

3-13-2014

State v. Easterday Clerk's Record Dckt. 41831

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
)	
Plaintiff/Respondent,	)	SUPREME COURT NO. 41831
	)	DISTRICT COURT NO. CR 13-7372
vs.)	
)	
ASHLI MARIE EASTERDAY,)	
)	
<u>Defendant/Appellant,</u>)	

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fifth Judicial District
of the State of Idaho, in and for the County of Twin Falls

HONORABLE RANDY J. STOKER
District Judge

SARA THOMAS
State Appellate Public Defender
3050 North Lake Harbor Lane
Suite 100
Boise, Idaho 83703

ATTORNEY FOR APPELLANT

LAWRENCE WASDEN
Attorney General
Statehouse Mail Room 210
P.O. Box 83720
Boise, Idaho 83720-0010

ATTORNEY FOR RESPONDENT

State of Idaho vs. Ashli Marie Easterday

Date	Code	User		Judge
7/5/2013	NCRF	BANYAI	New Case Filed-Felony	Calvin H. Campbell
	PROS	BANYAI	Prosecutor assigned Grant Loeb	Calvin H. Campbell
	CHJG	BANYAI	Change Assigned Judge	Thomas D. Kershaw Jr.
	CRCO	BANYAI	Criminal Complaint	Thomas D. Kershaw Jr.
	AFWT	BANYAI	Affidavit In Support Of Complaint Or Warrant For Arrest	Thomas D. Kershaw Jr.
	TFJP	BANYAI	Twin Falls County Jail Packet	Thomas D. Kershaw Jr.
	TISR	BANYAI	TF County Sheriff's Inmate Screening Report	Thomas D. Kershaw Jr.
	HRSC	BANYAI	Hearing Scheduled (Preliminary 07/12/2013 08:15 AM)	Thomas D. Kershaw Jr.
		BANYAI	Notice Of Hearing	Thomas D. Kershaw Jr.
	BNDS	PLEW	Bond Posted - Surety (Amount 1000.00)	Thomas D. Kershaw Jr.
		PLEW	Miscellaneous Payment: Sheriff Fees Paid by: Hoerner-Owens Bail Bonds Receipt number: 1317100 Dated: 7/5/2013 Amount: \$10.00 (Cash)	Thomas D. Kershaw Jr.
	ARRN	BRYANT	Arraignment / First Appearance	Thomas D. Kershaw Jr.
	NORF	BRYANT	Notification Of Rights Felony	Thomas D. Kershaw Jr.
	TFPA	BRYANT	Twin Falls County Public Defender Application - Appointed	Thomas D. Kershaw Jr.
	CMIN	BRYANT	Court Minutes	Thomas D. Kershaw Jr.
	ORPD	BRYANT	Order Appointing Public Defender	Thomas D. Kershaw Jr.
	OCCR	BRYANT	Order of Participation in Court Compliance as Condition of Release	Thomas D. Kershaw Jr.
	BSET	BRYANT	BOND SET: at 1000.00	Thomas D. Kershaw Jr.
7/8/2013	REQD	PIERCE	Request For Discovery/defendant	Thomas D. Kershaw Jr.
	RESO	PIERCE	Response To Request For Discovery/defendant	Thomas D. Kershaw Jr.
	TFCC	PIERCE	Twin Falls County Court Compliance Program Agreement in Lieu of Incarceration	Thomas D. Kershaw Jr.
7/12/2013	WAVT	YOCHAM	Written Waiver of Time for Preliminary Hearing	Thomas D. Kershaw Jr.

State of Idaho vs. Ashli Marie Easterday

Date	Code	User		Judge
7/12/2013	CMIN	YOCHAM	Court Minutes	Thomas D. Kershaw Jr.
	CONT	YOCHAM	Continued (Preliminary 08/02/2013 08:15 AM)	Thomas D. Kershaw Jr.
		YOCHAM	Notice Of Hearing	Thomas D. Kershaw Jr.
7/15/2013	REQP	PIERCE	Request For Discovery/plaintiff	Thomas D. Kershaw Jr.
	RESP	PIERCE	Response To Request For Discovery/plaintiff	Thomas D. Kershaw Jr.
7/22/2013	SUPR	PIERCE	Supplemental Response To Request For Discovery	Thomas D. Kershaw Jr.
7/25/2013	AFFD	DENTON	Affidavit	Thomas D. Kershaw Jr.
	WARB	DENTON	Warrant Issued - Bench Bond amount: 20000.00 Court Compliance-Violation of Terms for Release Defendant: Easterday, Ashli Marie	Thomas D. Kershaw Jr.
7/31/2013	WART	DENTON	Warrant Returned Court Compliance-Violation of Terms for Release Defendant: Easterday, Ashli Marie	Thomas D. Kershaw Jr.
	TFJP	DENTON	Twin Falls County Jail Packet	Thomas D. Kershaw Jr.
	TISR	DENTON	TF County Sheriff's Inmate Screening Report	Thomas D. Kershaw Jr.
	ARRN	DENTON	Arraignment / First Appearance	Roger Harris
	CMIN	DENTON	Court Minutes	Roger Harris
	BSET	DENTON	BOND SET: at 20000.00 Per Warrant	Roger Harris
	ORRF	DENTON	Order Rescinding Forfeiture	Thomas D. Kershaw Jr.
8/1/2013	BNDE	DENTON	Surety Bond Exonerated (Amount 1,000.00)	Thomas D. Kershaw Jr.
8/2/2013	CMIN	DJONES	Court Minutes Hearing type: Preliminary Hearing date: 8/2/2013 Time: 9:48 am Courtroom: Court reporter: Minutes Clerk: DJONES Tape Number: Defense Attorney: Marilyn Paul Prosecutor: Grant Loebis	Thomas D. Kershaw Jr.
	HRHD	DJONES	Hearing result for Preliminary scheduled on 08/02/2013 08:15 AM: Hearing Held	Thomas D. Kershaw Jr.
	OADC	DJONES	Order Holding Defendant To Answer To District Court	Thomas D. Kershaw Jr.

State of Idaho vs. Ashli Marie Easterday

Date	Code	User	Judge
8/2/2013	BOUN	DJONES	Bound Over (after Prelim)
	CHJG	DJONES	Change Assigned Judge
	HRSC	MCMULLEN	Hearing Scheduled (Arraignment 08/19/2013 09:00 AM)
		MCMULLEN	Notice Of Hearing
	NOHG	BANYAI	Notice Of Hearing
	HRSC	MCMULLEN	Hearing Scheduled (Bond Reduction 08/09/2013 10:30 AM)
8/5/2013	MFBR	PIERCE	Motion For Bond Reduction
	INFO	PIERCE	Information for a Felony, Namely: Possession of a Controlled Substance (Methamphetamine)
8/7/2013	MODQ	PIERCE	Motion To Disqualify Alternate Judge
8/9/2013	DCHH	MCMULLEN	Hearing result for Bond Reduction scheduled on 08/09/2013 10:30 AM: District Court Hearing Held Court Reporter: Barksdale Number of Transcript Pages for this hearing estimated:
	CMIN	MCMULLEN	Court Minutes
	ORDR	MCMULLEN	Order for Participation in Court Compliance as Condition of Release (Bond \$5000.00 with court compliance)
	BSET	MCMULLEN	BOND SET: at 5000.00
	BNDS	HANSON	Bond Posted - Surety (Amount 5000.00)
		HANSON	Miscellaneous Payment: Sheriff Fees Paid by: Hoerner-Owens Bail Bonds Receipt number: 1320230 Dated: 8/9/2013 Amount: \$10.00 (Cash)
8/12/2013	ORTR	MCMULLEN	Order for Preparation of Transcript at County Expense
8/14/2013	TFCC	PIERCE	Twin Falls County Court Compliance Program Agreement in Lieu of Incarceration
8/19/2013	TRAN	WSCOTT	Transcript Filed of the Preliminary Hearing held August 2, 2013
	AKSV	WSCOTT	Acknowledgment Of Service
	DCHH	MCMULLEN	Hearing result for Arraignment scheduled on 08/19/2013 09:00 AM: District Court Hearing Held Court Reporter: Barksdale Number of Transcript Pages for this hearing estimated:
	ARRN	MCMULLEN	Arraignment / First Appearance
	APNG	MCMULLEN	Appear & Plead Not Guilty
	CMIN	MCMULLEN	Court Minutes

State of Idaho vs. Ashli Marie Easterday

Date	Code	User	Judge
8/21/2013	HRSC	MCMULLEN	Hearing Scheduled (Pretrial Conference 11/12/2013 04:00 PM)
	HRSC	MCMULLEN	Hearing Scheduled (Jury Trial 11/19/2013 08:30 AM)
		MCMULLEN	Notice Of Hearing
	SCHE	MCMULLEN	Scheduling Order
9/11/2013	NOHG	PIERCE	Notice Of Hearing
	MOTN	PIERCE	Motion to Suppress and Memorandum in Support
9/12/2013	HRSC	MCMULLEN	Hearing Scheduled (Motion to Suppress 10/25/2013 01:30 PM)
9/19/2013	COAF	HANSON	Change of Address Form from Misdemeanor Probation
10/25/2013	DCHH	MCMULLEN	Hearing result for Motion to Suppress scheduled on 10/25/2013 01:31 PM: District Court Hearing Held Court Reporter: Barksdale Number of Transcript Pages for this hearing estimated:
	CMIN	MCMULLEN	Court Minutes
	ADVS	MCMULLEN	Case Taken Under Advisement
10/31/2013	OPIN	MCMULLEN	Memorandum Opinion
11/12/2013	HRSC	AGUIRRE	Hearing Scheduled (Sentencing 01/27/2014 01:30 PM)
	HRVC	MCMULLEN	Hearing result for Jury Trial scheduled on 11/19/2013 08:30 AM: Hearing Vacated
	DCHH	MCMULLEN	Hearing result for Pretrial Conference scheduled on 11/12/2013 04:00 PM: District Court Hearing Held Court Reporter: Barksdale Number of Transcript Pages for this hearing estimated:
	OFFR	MCMULLEN	Offer
	FEGP	MCMULLEN	Guilty Plea Advisory
	CPGT	MCMULLEN	Change Plea To Guilty Before H/t
	PSIO1	MCMULLEN	Pre-Sentence Investigation Evaluation Ordered
	PSIO2	MCMULLEN	PSI Face Sheet Transmitted
	MISC	MCMULLEN	Agreement for Conditional Plea Pursuant to ICR 11(a)(2)
	CMIN	MCMULLEN	Court Minutes
11/13/2013		MCMULLEN	Notice Of Hearing
1/3/2014	SUPR	PIERCE	Supplemental Response To Request For Discovery
	REST	PIERCE	Restitution Request

State of Idaho vs. Ashli Marie Easterday


Date	Code	User	Judge
1/17/2014	PSR	MCMULLEN	Presentence Report
1/22/2014	PSR	AGUIRRE	Addendum Presentence Report
	TFPR	AGUIRRE	Twin Falls County Court Compliance Progress Report
1/27/2014	DCHH	MCMULLEN	Hearing result for Sentencing scheduled on 01/27/2014 01:30 PM: District Court Hearing Held Court Reporter: Barksdale Number of Transcript Pages for this hearing estimated:
	SNIC	MCMULLEN	Sentenced To Incarceration (I37-2732(C)(1) Controlled Substance-Possession of) Confinement terms: Penitentiary determinate: 2 years. Penitentiary indeterminate: 2 years.
	PROB	MCMULLEN	Probation Ordered (I37-2732(C)(1) Controlled Substance-Possession of) Probation term: 3 years. (Supervised)
	ORDR	MCMULLEN	Order to Pay Court Compliance Fees
	ORDR	MCMULLEN	Order of Restitution
	CMIN	MCMULLEN	Court Minutes
1/28/2014	BNDE	MCMULLEN	Surety Bond Exonerated (Amount 5,000.00)
	JDMT	MCMULLEN	Judgment of Conviction Upon a Plea of Guilty to One Felony Count, Suspending Sentence and Order Placing Defendant on Probation IC 19-2601(2) and (5)
1/29/2014	NOTA	PIERCE	NOTICE OF APPEAL
	APSC	COOPE	Appealed To The Supreme Court
1/30/2014	NAPD	COOPE	Notice And Order Appointing State Appellate Public Defender In Direct Appeal
2/4/2014	CCOA	COOPE	Clerk's Certificate Of Appeal
2/10/2014	NOTC	COOPE	Notice of Lodging, Tracy Barksdale; Motion to Suppress October 25, 2013
	LODG	COOPE	Lodged: Transcript on Appeal by email
	SCDF	COOPE	Supreme Court Document Filed- Order RE: Amended Notice of Appeal
2/19/2014	SCDF	COOPE	Supreme Court -- Filed Notice of Appeal
3/10/2014	SCDF	COOPE	Supreme Court -- Set Due Date - Transcript and Clerk's Record Due 4-15-14

ORIGINAL

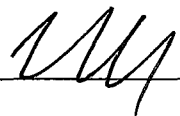
POSSESSION OF A CONTROLLED SUBSTANCE (METHAMPHETAMINE)
Felony, I.C. § 37-2732(c)(1)

That the Defendant, ASHLI MARIE EASTERDAY, on or about July 3, 2013, in the County of Twin Falls, State of Idaho, possessed a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance, in violation of Idaho Code Section 37-2732(c)(1).

All of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the State of Idaho.


Jill C. Sweesy
Deputy Prosecuting Attorney

Signed before me this 5th day of July, 2013.


Judge

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS 2013 JUL -5 AM 11:11

MAGISTRATE DIVISION

BY _____
CLERK
DEPUTY

THE STATE OF IDAHO)	
)	
Plaintiff	)	AFFIDAVIT IN SUPPORT OF
)	
vs	)	COMPLAINT OR WARRANT
Ashli M Easterday)	
DOB [REDACTED]	)	FOR ARREST (Arrest)
SSN [REDACTED]	)	TFSO CASE: 13000775
Defendant	)	CRIME: Possession of controlled Substance
		37-2732(A)

STATE OF IDAHO)	
		ss
County of Twin Falls)	

I, Deputy, Stacy Gorrell, of the Twin Falls County Sheriff's office, being first duly sworn, state that I am the same person whose name is subscribed to the attached criminal complaint/citation, and that my answer(s) to the questions asked by the court with reference to said complaint are as follows:

1. Please set forth the information which gives you reason to believe the above named Defendant(s) committed the crime(s) alleged in the complaint.

Answer: On July 3, 2013 at approximately 1455 hours while patrolling in the county of Twin Falls, state of Idaho I received a landline in reference to a person who had loaned his vehicle to his ex-girlfriend. The individual stated that his ex-girlfriend would tell him where his vehicle was. The license plate on the vehicle was 2TT7878. As I was driving south on clear lakes road I observed the vehicle with a female driver. I stopped the vehicle to make contact with the driver to see what was going on with the vehicle. I was going to see the driver would take back the vehicle to the owner. I made contact with the driver who was identified as Ashli M Easterday by her Idaho driver's license.

I asked Ashli how she had gotten the vehicle. Ashli stated that Tara had given her the vehicle. Ashli stated that Tara had her vehicle. As I spoke to Ashli I observed that she was very nervous.

Ashli asked if she could call someone to come get her. I told her that she could call someone. I returned to my patrol car and ran Ashli through Sircomm data. Data informed me that Ashli was valid and clear of warrants. I ran the license plate 2TT7878. The plate came back the registered

DORIS

to a Bob Bulkley. I had Sircomm call the owner and tell him he can come get his vehicle. I called for K-9 Officer Engbaum to come to my locations. Officer Engbaum arrived on scene and I had him deploy his K-9 partner. Officer Engbaum came back to my patrol and told me that his K-9 partner had indicated on the vehicle. I went up to Easterday and told that the dog had indicated on the vehicle. I had Easterday exit the vehicle. Easterday grabbed her purse and exited the vehicle. I told Easterday that I was going to search her purse and asked her to hand it to me.

Easterday got really agitated and asked why her purse had anything to do with the stop. I explained the purse was sitting on the seat when I when I asked her to exit the vehicle. I explained to her that when a dog indicates on a vehicle that gives me probable cause to search the vehicle and the bags in the vehicle. Easterday gave me her purse. As I looking through the first large section of the purse I saw a black case with a zipper. In the case was a purple camera. When I looked in the small zipper pocket if observed a small zip lock bag containing a crystal like substance. Through my training and experience I recognized this crystal like substance as methamphetamine. When I was looking through the second large section of the purse I observed another black zipper bag. When I opened this bag I saw a glass pipe that through my training and experience I recognized as a pipe for smoking Methamphetamine. I also observed another black zipper bag that when I opened it I saw a small scale, a black plastic bottle, and a silver spoon. When I opened the black plastic bottle I observed some crystal like residue. Easterday was read her rights and asked if she wanted to answer any questions. Easterday stated I have the right to remain silent. Easterday was taken into custody and placed into handcuffs which were checked for tightness and double locked. Easterday was placed into the rear of my patrol car.

The rest of the vehicle and contents were searched. Nothing else was found. A friend of Easterday's showed up and took her other bags that were in the vehicle. The owner the vehicle arrived on scene and took the vehicle. Easterday was transported to the Twin falls county jail where she was checked in by jail staff and booked in for possession of controlled substance and possession of paraphernalia with intent to use. All evidence was taken over to the evidence room. I tested the tan crystal like substance and it tested presumptive positive for methamphetamine. The weight of the tan crystal like substance in the bag before and after testing was .7g. All evidence was sealed in evidence bags and secured in a evidence locker. I requested for the tan crystal like substance to be sent out to the state lab for testing.

2. List the name(s) of the individuals that the information was obtained from:

ANSWER: Ashli Easterday, Officer Engbaum

3. Please set forth, for each of the informants listed in response to Question 2, the reasons why you believe the information from these individuals, respectively, is credible and why you believe there is factual basis for the information furnished.

ANSWER: No reason not to believe.

4. Do you believe a warrant should be issued?

ANSWER: In custody

5. Set out any information you have and its source, as to why a warrant instead of a summons should be issued.

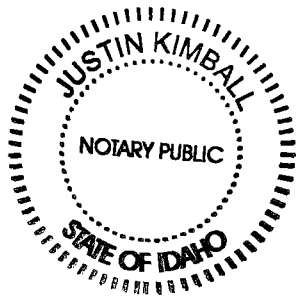
ANSWER:

DATED this 4th day of July, 2013.



AFFIANT

SUBSCRIBED AND SWORN before me this 4th day of July, 2013.





NOTARY PUBLIC FOR STATE OF IDAHO

Residing at: Turn Falls County

Commission Expires: 7-13-15

Twin Falls County Sheriff's Office

Inmate Screening Report

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED



Inmate No. 147106 Name EASTERDAY, ASHLE MARIE
Race W Sex F
Booking No. 202701 DOB [REDACTED]

2013 JUL -5 AM 8:34

BY _____
CLERK

bb
DEPUTY

Question:

Answer: Comments:

Address

384 MAPLE STREET CASTLEFORD, ID

What is your age and last four of social security number

30// [REDACTED]

Where are you employed

UNEMPLOYED

How many dependents are currently living with you (number and age)

0

What is your total net monthly income

0

What are your total assets (home, auto's, personal property, checking, savings, funds etc.)

1000

How much is your monthly home expense (rent, mortgage, insurance)

0

How much are your monthly utilities (water, power, gas, telephone)

0

How much is your monthly auto expense (auto, gas, insurance, repair)

0

Do you pay Child Support? How much

0

What is your primary language

ENGLISH

How much disposable income is available to you

0

Are you requesting the use of a Public Defender to represent you

Y

Do you understand that you could be required to reimburse Twin Falls County for the Public Defender service.

Y

Under the penalty of perjury do you swear the answers on this statement are true and correct to the best of your knowledge

Y

Inmate Signature

Officer ID 2449

Name THOMPSON, TRACY Date 06/15/1983 00:00

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS PM 2: 54
427 Shoshone Street North
Twin Falls, Idaho 83303-0126

BY _____
CLERK

TB DEPUTY

CASE NO: CR-2013-0007372

NOTICE OF HEARING

STATE OF IDAHO,

Plaintiff,

vs.

ASHLI MARIE EASTERDAY
384 MAPLE ST
CASTLEFORD, ID 83321

Defendant.

DOB: [REDACTED]
DL: [REDACTED]

NOTICE IS HEREBY GIVEN that this case is set for:

Preliminary : Friday, July 12, 2013 08:15 AM
Judge: Honorable Thomas D. Kershaw Jr.

I hereby certify that copies of this Notice were served as follows on this date Friday, July 05, 2013.

Alternate Judges: Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bollar, Borresen, Campbell, Cannon, Duff, Harris, Holloway, Hodges, Ingram, Israel, Kershaw, Redman, Robinson, J. Walker and K. Walker.

Ashli Marie Easterday
Mailed X Hand Delivered
I received a copy of this notice.

Ashli Easterday

Defendant's Signature

Grant Loebs, Prosecuting Attorney
✓ Folder _____ Mailed

Defense Counsel
✓ Folder _____ Mailed

Dated: Friday, July 05, 2013
Kristina Glascock
Clerk of the District Court

By: B. Banyai
Deputy Clerk

Date: 7/5/2013

Fifth Judicial District Court - Twin Falls County

NO. 1317100

Time: 03:32 PM

Receipt

Page 1 of 1

Received of: Hoerner-Owens Bail Bonds

\$ 10.00

Ten and 00/100 Dollars

Case: CR-2013-0007372

Defendant: Easterday, Ashli Marie

Amount

Sheriff Fees

10.00

Total:

10.00

Payment Method: Cash

Amount Tendered: 10.00

Clerk: PLEW

Duplicate

Kristina Glascock, Clerk of the District Court

By: 
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

2007 JUL -5 PM 2:54

BY _____

CLERK

STATE OF IDAHO,

Plaintiff,

vs.

EASTERDAY, Ashli

Defendant.

CASE NO: CH-13-1312 TB

DEPUTY

NOTIFICATION OF RIGHTS--
FELONY

The purpose of this initial appearance is to advise you of your rights and charge(s) against you.

- You have the right to be represented by an attorney at all times.
- If you want an attorney, but cannot pay for one, the court will appoint one to help you. If you are found guilty or plead guilty, you may be ordered to reimburse Twin Falls County for the cost of your defense.
- You have the right to remain silent. Any statement you make could be used against you.
- You have the right to bail.
- You have the right to a preliminary hearing before a judge.
- The purpose of a preliminary hearing is to determine whether probable cause exists to believe you have committed the crime(s) charged. A preliminary hearing is not a trial to decide guilt or innocence.
- You can cross-examine all witnesses who testify against you.
- You can present evidence, testify yourself if you wish, and have witnesses ordered to testify by subpoena.
- If the court finds probable cause exists that you committed the crime(s) charged, or if you waive your preliminary hearing, you will be sent to the District Court for arraignment.

If you have any questions about the charge(s), about your rights or the court process, don't hesitate to speak up. It is important that you understand.

Acknowledgment of Rights

I have read this entire document and I understand these rights as set forth above.

7/5/13

Date

Ashli Easterday

Defendant's signature

NOTIFICATION OF RIGHTS--1

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2013 JUL -5 PM 2:54

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

CLERK

DEPUTY

ARRAIGNMENT MINUTES

Date 7/5/13 Time 1:00pm Counter 155 Case No. CR-13-7372
Judge Kershaw Deputy Clerk T Halstad Interpreter _____ Ctrm # 3

State of Idaho

vs Ashli Marie Easterday

Attorney W. Sully

Attorney C. O'Leary

Offense: Possess. of Controlled Substance

☒ Appeared in person ☒ Bond 1000 ☐ per warrant(s) ☐ to be held without bond ☐ Agent's warrant ☐ OR release
☐ To serve _____ days per warrant ☐ Walk In Arraignment/Summons ☐ Bond previously posted ☒ Court Compliance program

☐ Failed to appear ☐ Warrant issued ☐ Forfeit previous bond ☐ Bond _____

☐ Complaint read ☐ Probation violation read ☐ Defendant waived reading of probation violation
☒ Rights and penalties given ☒ Rights form signed ☒ Rights and penalties understood

☐ Defendant waived counsel ☐ Private counsel _____ ☐ to hire
☒ Public defender appointed ☐ Public defender denied ☐ Public defender confirmed/continued

☐ Plead not guilty
☐ Plead guilty

☐ Court accepted plea

☐ Pretrial _____
☐ Court trial _____
☐ Jury trial _____
☐ Sentencing _____
☒ Prelim 7/12/13 @ 8:15 am
☐ Fugitive (identity) _____
☐ Arraignment _____

☐ Hearing to be set

☐ PV - admit
☐ PV - deny

☐ Admit/Deny _____
☐ Evidentiary _____
☐ Disposition _____
☐ Status _____

Conditions of bond/OR release/probation:

☐ AGENT'S WARRANT - To be replaced in 72 hours or defendant to be released

☒ Check in with public defender immediately upon release

☐ Check in with court compliance officer; Pay costs associated with court compliance ☐ SCRAM unit authorized

☐ Court entered no contact order

☐ Border patrol hold

☐ To be transported to _____

☐ Report to jail. Court signed book and release order.

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

**Fifth Judicial District Court, State of Idaho
In and For the County of Twin Falls
427 Shoshone Street North
Twin Falls, Idaho 83301-0126**

2013 JUL -5 PM 2:55

BY TB CLERK
DEPUTY

STATE OF IDAHO
Plaintiff,

vs.

Ashli Marie Easterday
384 Maple St
Castleford, ID 83321

Defendant.

DOB: [REDACTED]

DL: [REDACTED]

Case No: CR-2013-0007372

ORDER APPOINTING PUBLIC DEFENDER

The Court being fully advised as to the application of the above named defendant and good cause having been shown:

IT IS ORDERED that an attorney be appointed through the Public Defender's office for the County of Twin Falls, State of Idaho, to represent the above named Defendant in all proceedings in the above entitled case.

Defendant is to contact the Public Defender's Office
231 4th Avenue North
P.O. Box 126
Twin Falls, Id 83303-0126
Telephone Number 208-734-1155

to make an appointment to discuss your case before your next hearing.

The Defendant is further advised that he/she may be required to reimburse the Court for all or part of the cost of court appointed counsel.

Date: July 5, '13

[Signature]
Judge

Copies to:

X Public Defender

X Prosecutor

 Defendant

TB
Deputy Clerk

Order Appointing Public Defender

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2013 JUL -5 PM 2:34

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

BY _____ CLERK

DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

Ashli Marie Easterday

Defendant.

CASE NO. CR-2013-0007372

**ORDER FOR PARTICIPATION
IN COURT COMPLIANCE AS
CONDITION OF RELEASE**

IT IS HEREBY ORDERED, as a condition of either the Defendant's release on his own recognizance or by posting bond, that the above-named Defendant shall submit to monitoring and supervision by the Court Compliance Program ("CCP") administered by the Twin Falls County Adult Probation Department. Defendant is required to sign up with the Court Compliance Program within one (1) hour of release from custody. The Court Compliance Office is located at 245 3rd Ave. N., Twin Falls, Idaho.

The monitoring and supervision may include, but may not be limited to, compliance with any reporting requirements imposed by CCP representatives; submitting to tests of Defendant's blood, breath, urine, saliva, hair or other bodily fluids or tissues; complying with curfews or other directives relating to Defendant's living circumstances, activities or personal associations, and the like.

Any search of the defendant's person or property, except as otherwise specified herein, is authorized if there is probable cause or other legal basis, including consideration of the defendant's consent, for such search.

☒ The court makes a specific finding, based upon the nature of the alleged crime as described in the court's file, the recommendations of counsel and the Defendant's criminal

history, that a requirement for drug and/or alcohol testing should be imposed in this case and is reasonably related to the purposes for pre-trial release, including the protection of the public and ensuring the appearance of the Defendant at future court proceedings. Therefore the court authorizes CCP representatives to require, as a condition of the Defendant's release,

☒ Drug testing

☐ Alcohol testing

☐ SCRAM Unit Authorized

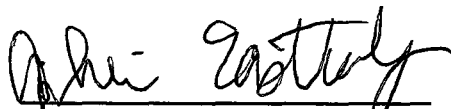
IT IS FURTHER ORDERED that immediately upon release from custody, Defendant shall meet with CCP officers to sign up for the Court Compliance program, and provide both residential and employment addresses, and phone numbers as required. If any of these things change, the defendant will inform court compliance of the change.

IT IS FURTHER ORDERED, and Defendant agrees by signing this document, that Defendant shall pay all fees and other charges levied by the Court Compliance Program, including but not limited to costs for sample collection or testing, and charges for participation in the program.

NOTICE

Any failure to comply with this order or with the requirements of the Court Compliance Program may result in the revocation of any order of release (whether or not such release was secured by bond, cash or other collateral or upon the Defendant's own recognizance), the forfeiture of any bond posted, and the issuance, without notice, of a bench warrant for the Defendant's immediate arrest. By acknowledging his or her receipt of this order, Defendant specifically accepts this condition of release and waives all right to notice of violating the conditions of release on bail, and any bail revocation hearing.

DATED this 5th day of July, 2013.


Received And Acknowledged


Magistrate/District Judge

2006

OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P.O. Box 126
Twin Falls, Idaho 83303-0126
Telephone: (208) 734-1155
Fax: (208) 734-1161

ORIGINAL
DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2013 JUL -8 PM 3:21

BY _____
CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,)
)
Plaintiff,)
)
v.)
)
ASHLI EASTERDAY,)
)
Defendant.)
_____)

Case No. CR 13-7372

REQUEST FOR DISCOVERY

TO: GRANT P. LOEBS, Prosecutor for the County of Twin Falls, State of Idaho,
and his agents:

The Defendant in the above-entitled case by and through his/her attorney, Marilyn B. Paul, and her agents, does hereby request, pursuant to Rule 16 of the Idaho Criminal Rules, discovery and inspection of the following information, evidence, and materials:

1) Pursuant to Idaho Code §18-6708, Rule 16 of the Idaho Criminal Rules, Article 1 §13 of the Idaho Constitution, the Fifth and Fourteenth Amendments of the United States Constitution, and United States Code Annotated 18-2518, the Defense requests immediate disclosures of the dates and times of any interceptions of any wire or oral communications of Defendant, the contents of any wire or oral communications of Defendant

or evidence derived therefrom, a copy of the application and Order authorizing interception of any oral or wire communications of defendant, the date of the entry and the period authorized, any authorization to intercept wire or oral communications of Defendant or intercept surveillance of telephones listed in Defendant's name, or at Defendant's home or place of business.

2) The Defense requests access to the original tapes of all taped telephone contacts and/or "body wire" surveillance contacts by any person at any time with the Defendant and/or other persons during the course of the criminal investigation of the Defendant.

3) The Defense requests to be a copy of any written agreement of cooperation with any witness expected to be called at trial or who were utilized in the investigation of this criminal action, any and all Confidential Informant supervision documents, full records of payment to any Confidential Informant, police reports of any crimes in which any State's witness was suspect, the identity of any probation and/or parole officer that was supervising any State's witness, and any and all probation and/or parole records pertaining to any State's witness.

4) Any material or information within your possession or control, or which hereafter comes into your possession or control, which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefore. This request extends to material and information in the possession or control of members of your staff and of any others who have participated in the investigation or evaluation of the case who either regularly report, or with reference to the particular case have reported to the office of the prosecuting attorney;

5) Any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody, or control of the State the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant oral statement made by the Defendant whether before or after arrest to a peace officer, prosecuting attorney, or his agent; and any recorded testimony of the Defendant before a grand jury which relates to the offense charged;

6) The prior criminal record of the Defendant, if any, as is now or may become available to the prosecuting attorney;

7) Any written or recorded statements of a co-defendant; including but not limited to the substance of any relevant oral statements made by a co-defendant, whether before or after arrest in response to interrogation by any person.

8) Any books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are in the possession, custody, or control of the prosecuting attorney which are material to the preparation of the defense, or intended for use by the prosecutor as evidence at trial, or obtained from or belonging to the Defendant;

9) Any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with a particular case, or copies thereof, within the possession, custody, or control of the prosecuting attorney, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence;

10) A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial, together with any record of prior convictions of any such person which is within the knowledge of the prosecuting attorney or his agents or to any official involved in the investigatory process of

the case;

11) The statements made by the above listed prosecution witness or any prospective prosecution witnesses to the prosecuting attorney or his agents or to any official involved in the investigatory process of this case.

12) Any reports and memoranda in your possession which were made by a police officer or investigator in connection with the investigation or prosecution of the case. For all law enforcement notes including handwritten notes.

13) The Defense requests pursuant to Idaho Rule of Criminal Procedure 16(b)(8) and I.R.E. 705 that the Prosecution provide the Defense with the qualifications of any person to be tendered as an expert witness in this prosecution pursuant to IRE 702; the facts and data upon which the offered expert bases any opinion or inference they will be offering in this prosecution; a complete content of any expert opinion the prosecution will offer as assisting the trier of fact to understand the evidence or determine any fact at issue in this criminal prosecution.

Defendant requests that the above information be delivered to counsel within fourteen (14) days of the date of this request, or if not deliverable, the undersigned requests permission to inspect and copy said information, evidence and materials on the 22nd day of July, 2013, at the hour of 3:00 P.M.

DATED This 8th day of July, 2013.

PUBLIC DEFENDER'S OFFICE

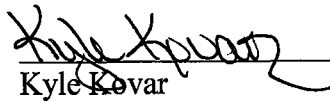
By:



Marilyn B. Paul
Chief Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing
REQUEST FOR DISCOVERY AND INSPECTION to be delivered to the office of Grant Loeb
on the 8th day of July, 2013.



Kyle Kovar
Officer Manager

266
OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P.O. Box 126
Twin Falls, Idaho 83303-0126
Telephone: (208) 734-1155
Fax: (208) 734-1161

DISTRICT COURT
TWIN FALLS CO. IDAHO
ORIGINAL
2013 JUL -8 PM 3:21

BY CLERK
 DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,)	
	)	Case No. CR 13-7372
Plaintiff,)	
)	
v.	)	RESPONSE TO REQUEST
	)	FOR DISCOVERY
ASHLI EASTERDAY,)	
)	
Defendant.)	
_____)	

COMES NOW, the Defendant, by and through his/her attorney and submits the
following Response to Request for Discovery:

1. The Defendant has no copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are intended to be produced as evidence at trial at this time.

2. The Defendant has no copy of photograph results or reports of physical or mental examinations, scientific tests of experiments made in connection with this case that the Defendant intends to provide as evidence at trial at this time.

3. The defense may call the Defendant in this action; Randy Towell, Investigator for the Office of the Public Defender in addition to those witnesses listed in the State's Response to Discovery and Supplemental Response to Discovery, if any. Defendant objects to the remainder of information requested as beyond the scope of

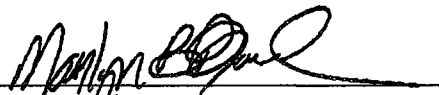
permissible Discovery under I.C.R. 16.

4. That in the event the Defendant discovers additional evidence or witnesses to be called at trial, prior to and during trial, evidence will be subjected to inspection by the Prosecuting Attorney, and Defendant reserves the right to file Supplemental Responses with respect to any additional evidence or witnesses.

5. In response to the Prosecution's request for notice of alibi, the Defendant requests written notice of the exact location of the subject offense or offenses.

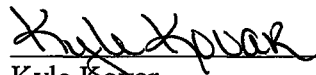
DATED this 8th day of July, 2013.

OFFICE OF THE PUBLIC DEFENDER


Marilyn B. Paul
Chief Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing RESPONSE TO REQUEST FOR DISCOVERY to be forwarded, via courthouse mail, to the office of the Prosecuting Attorney, County of Twin Falls, Idaho, on the 8th day of July, 2013.


Kyle Kovar
Office Manager

**Twin Falls County
Court Compliance Program Agreement in Lieu of Incarceration**

Name: Ashli Easterday
Address: 384 Maple St. Caldwell
DOB: [REDACTED]

Case: 0213-7372

Phone: 208-421-3662

Date: 7/5/13

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2013 JUL -8 PM 3:37

THIS AGREEMENT IS BEING UTILIZED BY ORDER OF THE BELOW SIGNED MAGISTRATE/DISTRICT JUDGE FOR THE RELEASE OF THE ABOVE NAMED ADULT.

BY [Signature] CLERK

A. I, THE ABOVE NAMED ADULT WILL ABIDE BY ALL OF THE RULES AND REGULATIONS OF THIS AGREEMENT AS LISTED BELOW, AS WELL AS ALL CITY, COUNTY, STATE AND FEDERAL LAWS.

B. RULES AND REGULATIONS: "INITIALS" INDICATES APPLICABLE TO DEFENDANT.

- AE 1. House Arrest—Electronic Monitoring. No privileges, I agree to remain at my residence at all times, except for specific times approved by the Court Compliance Probation Officer to fulfill my school, employment, and other required conditions of my release to the community.
- AE 2. Do not consume and/or have in your possession alcoholic beverages and/or illegal controlled substances or be where they are present. I shall not use or possess any prescription medication unless lawfully prescribed by a licensed physician. Further I shall not use or possess any synthetic drug/cannabinoid substance or any synthetic mood/mind altering legal or illegal substance. I will submit to alcohol/drug testing as required by the Court and/or Court Compliance Probation Officer.
- AE 3. Curfew shall be 9 p.m. weekdays and 9 p.m. weekends. unless working/treatment
- AE 4. To report to the Magistrate Probation Office as directed.
- AE 5. To appear at all court hearings when advised to do so, and maintain contact with my attorney.
- AE 6. To be employed full-time or actively seeking full-time employment.
- AE 7. To notify the Court Compliance Probation Officer immediately of any change of address, telephone, or employment.
- AE 8. Pay all costs and fees associated with the Court Compliance Program.
- AE 9. Community Checks: I agree and consent to comply with all address verification checks at any time, any place or any location. I also agree and consent to allow verification of my compliance with all court orders.
- AE 10. All requests to leave the state of Idaho shall be approved by the court in writing and submitted to the Court Compliance Probation Officer prior to leaving the state.
- AE 11. No Contact with the following persons: drug/alcohol users
- AE 12. Fees ordered by Court:
- | | |
|-------------------------------------|-----------------------------------|
| <u> </u> Electronic Monitoring | <u>\$10 per day</u> |
| <u> </u> Modified House Arrest | <u>\$5 per day</u> |
| <u> X </u> Drug Testing | <u>\$15 each lab test</u> |
| | <u>\$7 each field test</u> |
| | <u>\$3 each breathalyzer test</u> |

AE 13. Additional 9pm daily curfew, Phase 3 WA's, random intox

I THE ABOVE NAMED DEFENDANT, SHOW BY MY SIGNATURE BELOW THAT I HAVE READ AND UNDERSTAND THIS AGREEMENT, AND PROMISE TO ABIDE BY THIS AGREEMENT. I THE ABOVE NAMED DEFENDANT UNDERSTAND THAT IF I VIOLATE ANY PORTION OF THIS AGREEMENT IT MAY BE REVOKED AND I MAY BE SUBJECT TO ISSUANCE, WITHOUT NOTICE, OF A BENCH WARRANT, AND I MAY BE DETAINED UNTIL FURTHER PROCEEDINGS CAN BE ESTABLISHED.

[Signature]
DEFENDANT'S SIGNATURE

[Signature]
PROBATION OFFICER SIGNATURE

[Signature]
DISTRICT/MAGISTRATE JUDGE SIGNATURE

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2013 JUL 12 PM 1:42

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE COURT

CLERK

DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

Ashli Easterday,

Defendant.

Case No. CR 13-7872

TIME WAIVER FOR
PRELIMINARY HEARING

I understand that I have the right to have a preliminary hearing conducted within 14 days of my initial appearance if I am in custody, and within 21 days of my initial appearance if I have posted bail or have otherwise been released from custody. By executing this document, I preserve my right to have a preliminary hearing, but waive my right to have the preliminary hearing held within the above time constraints.

I further acknowledge that the preliminary hearing will be rescheduled at the court's convenience and that the preliminary hearing can be held beyond the times required by Idaho Criminal Rule 5.1. There have been no promises made to me in exchange for executing this waiver.

DATED this 11 day of July, 2013.

Ashli Easterday
Defendant

[Signature]
Defense Attorney

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

DISTRICT COURT
TWIN FALLS CO. IDAHO

MINUTES FOR PRELIMINARY HEARING FILED

JUDGE: Kunshaw
DEPUTY CLERK: T. Yechem
CASE # CR 13 17342

DATE: 2013 JUL 12 - 12:43
TIME: 8:15
BY: Thye CLERK: 841
TAPES: Thye
COURTROOM: Thye DEPUTY

THE STATE OF IDAHO,
Plaintiff,

ATTY: _____

VS.

Cashli Marie Easterday
Defendant.

ATTY: Robin Weeks

☐ In Custody ☐ Not Present ☐ Failed to Appear

THE DEFENDANT IS CHARGED WITH:

Possession of Cont Sub

COURT REVIEWED THE FILE.

COURT READ THE COMPLAINT. _____ COUNSEL WAIVED READING.

DEFENDANT WAIVED PRELIMINARY HEARING.

DEFENDANT WAIVED **SPEEDY** PRELIMINARY HEARING. X WRITTEN WAIVER FILED

COURT GAVE THE DEFENDANT HIS/HER RIGHTS IN THIS MATTER.

WRITTEN OFFER SIGNED BY DEFENDANT AND FILED WITH THE COURT.

COURT ACCEPTED WAIVER.

DEFENDANT WAS BOUND OVER TO DISTRICT COURT.

STATE / DEFENSE REQUESTED A CONTINUANCE. _____ BY STIPULATION

CONTINUED TO: 8-243 WITH JUDGE _____

PRELIMINARY HEARING TO BE HELD _____ SEE PAGE 2

COUNSEL MOVED FOR THE EXCLUSION OF WITNESSES _____ COURT GRANTED.

DEFENDANT BOUND OVER AFTER PRELIM

CASE DISMISSED/REDUCED AFTER PRELIM

DEFENSE MOVED FOR BOND REDUCTION,

STATE OBJECTED _____ STIPULATED _____ ARGUMENT PRESENTED _____

BOND WILL REMAIN AS PREVIOUSLY SET. _____ O.R. RELEASE

BOND RESET AT \$ _____ (BOND AMOUNT IS FOR THIS CASE ONLY)

DEFENDANT TO ENROLL IN COURT COMPLIANCE UPON RELEASE/BOND

COURT SIGNED ORDER FOR COURT COMPLIANCE

OTHER CONDITIONS OF BOND _____

STATE DISMISSED THE CHARGE(S) _____

STATE FILED AMENDED COMPLAINT _____ COURT READ AMENDED COMPLAINT

STATE AMENDED CHARGE(S) TO _____

STATE REDUCED THE CHARGE(S) TO MISD. _____

COURT GAVE DEFENDANT HIS/HER RIGHTS IN THIS MATTER.

DEFENDANT ENTERED GUILTY PLEA TO THE REDUCED CHARGE.

COURT ACCEPTED PLEA. _____ SET FOR SENTENCING ON _____

COMMENTS: _____

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED
JUL 12 PM 1:42

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
427 Shoshone Street North
Twin Falls, Idaho 83301

STATE OF IDAHO,
Plaintiff.

vs.

Ashli Marie Easterday
384 Maple St
Castleford, ID 83321
Defendant.

DOB: [REDACTED]
DL: [REDACTED]

BY _____
CLERK

DEPUTY
CASE NO: CR-2013-0007372

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Preliminary Friday, August 02, 2013 08:15 AM
Judge: Honorable Thomas D. Kershaw Jr.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Friday, July 12, 2013.

Alternate Judges: Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bollar, Borresen, Campbell, Cannon, Duff, Harris, Holloway, Hodges, Ingram, Israel, Kershaw, Redman, Robinson, J. Walker and K. Walker.

Defendant: Ashli Marie Easterday

Mailed _____ Hand Delivered _____

Private Counsel:
Marilyn Paul
Twin Falls Public Defender
P.O. Box 126
Twin Falls ID 83303-0126

Mailed _____ Hand Delivered Court Box

Prosecutor: Grant Loebis

Mailed _____ Hand Delivered Court Box

Dated: Friday, July 12, 2013
Kristina Glascock --Clerk of the District Court

By: [Signature]
Deputy Clerk

NOTICE OF HEARING

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2013 JUL 15 AM 10:26

BY _____
CLERK
58 DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 13-7372
)	
Plaintiff,)	
)	
vs.	)	REQUEST FOR DISCOVERY
)	
ASHLI MARIE EASTERDAY,)	
)	
Defendant.)	
_____)	

TO: OFFICE OF THE PUBLIC DEFENDER, Attorney of Record for the above-named defendant.

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Peter M. Hatch, Deputy Prosecuting Attorney, and does hereby request, pursuant to Rule 16 of the Idaho Criminal Rules, discovery and inspection of the following information, evidence, and materials:

1. To furnish the Prosecuting Attorney's Office with copies of any photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody, or control of the defendant, and which defendant intends to introduce in evidence at the trial.

2. To provide the Prosecuting Attorney's Office with copies of any results or reports of physical or mental examinations and scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

3. To furnish the Prosecuting Attorney's Office a list of names, addresses, and phone numbers of witnesses he intends to call at trial as well as a detailed summary of said witness' expected testimony.

4. Please provide, pursuant to I.R.E. 705, the names, addresses and credentials of expert witnesses expected to testify at the trial of this cause. Also set forth the facts and data upon which the expert(s) will rely, and the opinion(s) to be given by such expert(s).


5. That if, subsequent to compliance with this request and prior to or during trial, the defendant discovers additional witnesses, or decides to use any additional evidence, or witnesses, and such evidence is or may be subject to discovery and inspection under prior order of this court, that the defendant promptly notify the Prosecuting Attorney's Office and the court of the existence of additional evidence and/or names of additional witnesses to allow the State to make an appropriate motion for additional discovery or inspection.

In addition to the above requested information pursuant to Rule 16 of the Idaho Criminal Rules, Grant P. Loebs, Prosecuting Attorney for Twin Falls county, hereby request, pursuant to Rule 12.1 and Idaho Code Section 19-519, the defendant to furnish to the Prosecuting Attorney's Office within ten (10) days or at such other time as the court directs, Defendant's Notice of Alibi and Notice of Defense of Alibi stating specifically the place or places at which the defendant claims to have been at the time of the alleged offense(s) and the name(s) and address(es) of the witness(es) upon whom he intends to rely to establish such alibi.

In addition if prior to or during trial defendant learns of additional witnesses whose identity should have been included as required in Subsection 1 of Idaho Code Section 19-519, the defendant shall promptly notify the Prosecuting Attorney's Office of the existence and identity of the witnesses.

The undersigned further requests permission to inspect and copy said information, evidence, and materials if they have not been received in this office within two weeks of the date of this request.


DATED July 15, 2013.

A handwritten signature in black ink, appearing to read "Peter Hatch", written over a horizontal line.

Peter M. Hatch
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2013, I served a copy of the foregoing **REQUEST FOR DISCOVERY** by placing a copy of same into the mail slot for **OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Marilouise Hoff
Legal Assistant

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2013 JUL 15 AM 10:27

BY SR CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 13-7372
)	
Plaintiff,)	
)	
vs.	)	RESPONSE TO REQUEST FOR
	)	DISCOVERY
ASHLI MARIE EASTERDAY,)	
)	
Defendant.)	
_____)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Peter M. Hatch, Deputy Prosecuting Attorney, and submits the following response to the Request for Discovery pursuant to Idaho Criminal Rule 16:

The State of Idaho has complied with such request by:

A. Providing any material or information within the prosecuting attorney's possession or control which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefor.

B. Providing copies of reports and memoranda in possession of the prosecuting attorney which were made by a police officer or investigator in connection with the investigation or prosecution of the case.

C. Providing a copy of the defendant's prior criminal record that is within the knowledge of the prosecuting attorney.

D. Providing copies of statements made by prosecution witnesses or prospective prosecution witnesses to the prosecuting attorney or the prosecuting attorney's agents or to any official involved in the investigatory process of this case, unless a protective order is issued as provided in Criminal Rule 16 (k).

E. Providing a written summary or report of any testimony that the State intends to introduce pursuant to Rules 702, 703 or 705 of the Idaho Rules of Evidence at trial or hearing.

F. Providing pages D1-D25. Although the State has made every effort to fully comply with its duty to disclose evidence pursuant to Idaho Criminal Rule 16, that does not alleviate the defendant or defense counsel of his/her responsibility to inspect and or copy evidence mentioned in sections G and H.

G. Permitting the defendant to inspect and copy or photograph any relevant written or recorded statements made by the defendant that are in the possession, custody or control of the State, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.

H. Permitting the defendant to inspect and copy or photograph any written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney. The defendant is permitted to inspect and copy or photograph books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody or control of the prosecuting attorney and which are material to the preparation of the defense, or intended for use by the prosecutor as evidence at trial, or obtained from or belonging to the defendant. If these items exist, they are disclosed in the State's discovery response and attachments (see section F above) and in any supplemental responses and attachments.

I. Permitting the defendant to inspect and/or copy the items mentioned in sections G and H, which are in the possession of the following prosecuting/police agencies:

Twin Falls County Prosecuting Attorney's Office, Twin Falls County Sheriff's Office

Reasonable arrangements for inspection and/or copying materials within the possession of the Twin Falls County Prosecuting Attorney's Office may be made by phoning (208) 736-4020.

In order to assist in facilitating the defendant/defense counsel in the inspection/copying of the materials mentioned in sections G and H, the State has provided a release.

J. Providing the following substance of any relevant oral statements made by a defendant or co-defendant to the Twin Falls County Prosecuting Attorney or his agents:

See attached

K. Providing the following witness list:

WITNESS

ADDRESS

All persons listed on the chain of custody sheets attached to evidence in this case

Don Thueson, Twin Falls County Prosecutor's Office

Stacy Gourell
Jeremy Engbaur
Lab Technician

TFSO
Buhl AD
ISA Lab

Any prior felony convictions of these individuals that are within the knowledge of the prosecuting attorney are attached with the documents in subsection F.

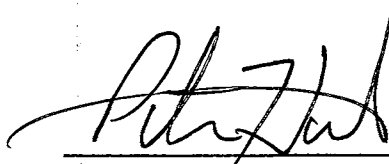
The State reserves the right to call any of the above listed witnesses and use any of the evidence referred to in this Response to Discovery, Supplemental Response(s) to Discovery, and the accompanying attachments of those documents at trial.

L. Providing:

- ☐ a redacted copy of the discovery printed on white paper as well as unredacted copy of the discovery printed on paper of a color that is clearly distinguishable from white paper
- ☐ an e-mailed copy of discovery to _____.

The State reserves the right to supplement discovery as information becomes available and to call any or all witnesses listed by the Defense.

DATED July 15, 2013.

A handwritten signature in black ink, appearing to read "Peter Hatch", written over a horizontal line.


Peter M. Hatch
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2013, I served a copy of the foregoing **Response to Request for Discovery** and ☒ **Unredacted copy of Discovery** and/or ☐ **Redacted copy of Discovery** thereof to the following:

OFFICE OF THE PUBLIC DEFENDER

☒ **Court Folder**
☐ **E-mail**
☐ **U.S. Mail**



Marilouise Hoff
Legal Assistant

2013 JUL 22 PM 3:06

BY _____
CLERK
DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

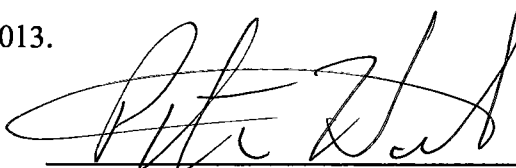
STATE OF IDAHO,)	Case No. CR 13-7372
)	
Plaintiff,)	
)	
vs.	)	SUPPLEMENTAL RESPONSE TO
	)	REQUEST FOR DISCOVERY
ASHLI MARIE EASTERDAY,)	
)	
Defendant.)	
_____)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Peter M. Hatch, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplements numbered D26 through D28.

The State reserves the right to supplement discovery as information becomes available.

DATED this 22 day of July, 2013.


Peter M. Hatch
Deputy Prosecuting Attorney

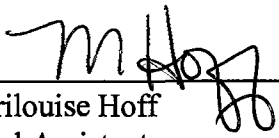
CERTIFICATE OF SERVICE

I hereby certify that on the 22 day of July, 2013, I served a copy of the foregoing
Supplemental Response to Request for Discovery and ☒ Unredacted copy of
Supplemental Discovery and/or ☐ Redacted copy of Supplemental Discovery thereof to the
following:

PUBLIC DEFENDER

☒
☐
☐

Court Folder
E-mail
U.S. Mail



Marilouise Hoff
Legal Assistant

MAGISTRATE PROBATION
245 3rd AVE. NORTH
P.O. BOX 126
TWIN FALLS, ID 83301

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2013 JUL 25 AM 10:51

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

BY _____
CLERK
DEPUTY

THE STATE OF IDAHO
Plaintiff,

CR13-7372

AFFIDAVIT

vs.

ASHLI MARIE EASTERDAY

Comes now, Norma Trujillo and of my own personal knowledge, on oath, deposes and states:

1. That affiant is a duly appointed and acting Court Compliance Officer for the Fifth Judicial District, Magistrate Court in and for the County of Twin Falls, Idaho.
2. On 07/05/2013, Judge Kershaw ordered Ashli Marie Easterday to be monitored by the Court Compliance Office, as /a condition of Bond. The Defendant violated the terms of her Bond by:
 - a. On 07/08/2013, the Defendant enrolled in random drug testing with the Twin Falls County Treatment and Recovery Center (TARC). On 07/09/2013, the Defendant tested positive for use of Methamphetamine during her random drug test with TARC. This test was confirmed positive for both Amphetamine and Methamphetamine by *Redwood Toxicology Laboratories*. (See attached document)
 - b. On 07/11/2013, the Defendant tested positive for use of Methamphetamine during her random drug test with TARC. The Defendant denied any use of Methamphetamine use. This test was confirmed positive for both Amphetamine and Methamphetamine by *Redwood Toxicology Laboratories*. (See attached document)
 - c. On 07/17/2013, the Defendant tested positive for use of Methamphetamine during her random drug test with TARC. This test was confirmed by Redwood Toxicology Laboratories. (See attached document)
 - d. On 07/22/2013, the Defendant tested Positive for Marijuana during her random drug test with TARC. The Defendant had previously been testing negative for Marijuana.

ORIGINAL

3. Affiant makes the following comments in efforts to have the Defendant fulfill the conditions of his/her Release:

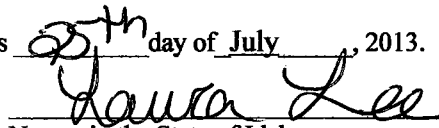
On the 25 day of July 2013, the Defendant acknowledged his Participation in the Court Compliance Program as a Condition of Release on the record and its terms by signing the *Order for Participation in The Court Compliance Program as a Condition of Release*, and the *Court Compliance Agreement in Lieu of Incarceration* with the Court Compliance Officer.

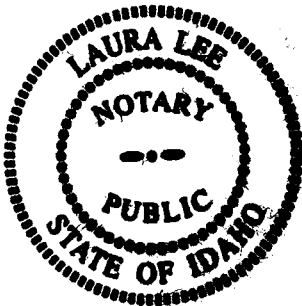
WHEREFORE Affiant recommends that the Defendant's Bond be revoked and a \$20,000 Warrant is issued for her arrest.

Dated this 25 day of July 2013.


Norma Trujillo
Probation Officer

SUBSCRIBED AND SWORN TO BEFORE ME this 25th day of July, 2013.


Notary in the State of Idaho.
Residing at: Twin Falls
My commission Expires: 3-14-19



ORIGINAL

A. Easterday

Identification: TF04-00809

DOB:

Sex:

Collected by: BRB

Collected: 07/09/2013

Received: 07/10/2013 12:41 PM

Reported: 07/12/2013 2:31 PM

Account #: 17388

Requisition #: 807400

Accession #: 130710-07074

Specimen Type: Urine

Client: TARC CSC

233 Gooding Street N

Twin Falls, ID 83301

Phone: (208)738-5048

Fax: (208)733-5422

Final Report Summary
• Amphetamine detected by GC/MS (1511 ng/mL)
• Methamphetamine detected by GC/MS (12017 ng/mL)

Tests Ordered
• 5845 - Amphetamines

Drug Tests

Drug	Screen	Confirmed
Amphetamines		
Methylenedioxyethylamphetamine (MDEA)	Not detected	GC/MS 250 ng/mL
Amphetamine	DETECTED (1511 ng/mL)	GC/MS 250 ng/mL
Methamphetamine	DETECTED (12017 ng/mL)	GC/MS 250 ng/mL
Methylenedioxyamphetamine (MDA)	Not detected	GC/MS 250 ng/mL
Methylenedioxymethamphetamine (MDMA)	Not detected	GC/MS 250 ng/mL

Comments:

Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.

Chief Toxicologist: Wayne Ross, M.C.L.S. / MT(AAB)

Method Index

EA - Enzyme Assay

EIA - Enzyme-Immunoassay

ELISA - Enzyme-Linked Immunosorbent Assay

RIA - Radio-Immunoassay

TLC - Thin Layer Chromatography

GC-FID - Gas Chromatography - Flame Ionization Detector

GC/MS - Gas Chromatography / Mass Spectrometry

LC/MS/MS - Liquid Chromatography Tandem Mass Spectrometry

Specimens are disposed of as follows: Negatives - after 2 days; Positives - after 6 months; Methadone Maintenance - after 2 months

ENTERED

COPY

NT



3660 Westwind Blvd., Santa Rosa, CA 95403
Phone: (707) 577-7859 // (800) 765-2159
Fax: (707) 577-6365
www.redwoodtoxicology.com

A. Easterday

Laboratory Directors: Mark J. D'Amico, M.D.; Richard R. Wilber, M.D.
CLIA License # 05D0707598

Identification: TF04-00809

DOB:

Account #: 17388

Client: TARC CSC

Sex:

Regulation #: 907349

233 Gooding Street N

Collected by: BRB

Accession #: 130712-08739

Twin Falls, ID 83301

Collected: 07/11/2013

Specimen Type: Urine

Phone: (208) 736-5048

Received: 07/12/2013 1:43 PM

Fax: (208) 733-5422

Reported: 07/16/2013 2:31 PM

Final Results Summary
<ul style="list-style-type: none"> Amphetamine detected by GC/MS (1131 ng/mL) Methamphetamine detected by GC/MS (3493 ng/mL)

Tests Ordered
5845 - Amphetamines

Drug Tests

Drug	Result	Screen		Confirmation	
		Method	Quant	Method	Quant
Amphetamines					
Methylenedioxyethylamphetamine (MDEA)	Not detected			GC/MS	250 ng/mL
Amphetamine	DETECTED (1131 ng/mL)			GC/MS	250 ng/mL
Methamphetamine	DETECTED (3493 ng/mL)			GC/MS	250 ng/mL
Methylenedioxymphetamine (MDA)	Not detected			GC/MS	250 ng/mL
Methylenedoxymethamphetamine (MDMA)	Not detected			GC/MS	250 ng/mL

Comments:

Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.

Chief Toxicologist: Wayne Ross, M.C.L.S. / MT(AAB)

Method Index

EA - Enzyme Assay

EIA - Enzyme-Immunoassay

ELISA - Enzyme-Linked Immunosorbent Assay

RIA - Radio-Immunoassay

TLC - Thin Layer Chromatography

GC-FID - Gas Chromatography - Flame Ionization Detector

GC/MS - Gas Chromatography / Mass Spectrometry

LC/MS/MS - Liquid Chromatography Tandem Mass Spectrometry

Specimens are disposed of as follows: Negatives - after 2 days; Positives - after 6 months; Methadone Maintenance - after 2 months

ENTERED

NT

COPY

Ashli Easterday



2650 Woodside Blvd., Santa Rosa, CA 95403
Phone: 707-577-7889 / 800-289-2169
Fax: 707-577-0885
www.redwoodtoxicology.com

Laboratory Directors: Mark J. DeMeo, M.D.; Richard R. Wilber, M.D.
CLIA License # 05D0707888

Identification: TF04-00809

DOB:

Account #: 17388

Client: TARC CSC

Sex:

Requisition #: 907113

233 Gooding Street N

Collected by: BEV BENNETT

Accession #: 130718-12785

Twin Falls, ID 83301

Collected: 07/17/2013

Specimen Type: Urine

Phone: (208)736-5048

Received: 07/18/2013 4:30 PM

Fax: (208)733-5422

Reported: 07/23/2013 4:58 PM

• Methamphetamine detected by GC/MS (906 ng/mL)

• 5845 - Amphetamines

Drug Tests

Drug	Result	Screen		Confirmation	
		Method	Cutoff	Method	Cutoff
Amphetamines					
Methylenedioxyethylamphetamine (MDEA)	Not detected			GC/MS	250 ng/mL
Amphetamine	Not detected			GC/MS	250 ng/mL
Methamphetamine	DETECTED (906 ng/mL)			GC/MS	250 ng/mL
Methylenedioxymphetamine (MDA)	Not detected			GC/MS	250 ng/mL
Methylenedioxymethamphetamine (MDMA)	Not detected			GC/MS	250 ng/mL

Comments:

Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.

Chief Toxicologist: Wayne Ross, M.C.L.S. / MT(AAB)

Method Index

EA - Enzyme Assay

EIA - Enzyme-Immunoassay

ELISA - Enzyme-Linked Immunosorbent Assay

RIA - Radio-Immunoassay

TLC - Thin Layer Chromatography

GC-FID - Gas Chromatography - Flame Ionization Detector

GC/MS - Gas Chromatography / Mass Spectrometry

LC/MS/MS - Liquid Chromatography Tandem Mass Spectrometry

Specimens are disposed of as follows: Negatives - after 2 days; Positives - after 6 months; Methadone Maintenance - after 2 months

ENTERED

NT

COPY

CERTIFICATE OF SERVICE


I hereby certify that on the 25 day of July, 2013, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Defendant Ashli M. Easterday ☐ U.S. Mail
☐ Hand delivered
☐ Faxed

Defense Counsel PD ☐ U.S. Mail
☒ Hand delivered
☐ Faxed
☐ Court Folder

Prosecutor G. Loeb ☐ U.S. Mail
☒ Hand delivered
☐ Faxed
☐ Court Folder

Magistrate Probation ☐ U.S. Mail
☒ Hand delivered
☐ Faxed
☐ Court Folder


NORMA TRUJILLO
Probation Officer

ORIGINAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

COPY

STATE OF IDAHO,
Plaintiff,

ARREST WARRANT

Case No. CR13-7372

ASHLI MARIE EATERDAY

Defendant,

BOND \$ 20,000

D.O.B. [REDACTED]

SSN #: [REDACTED]

THIS WARRANT EXPIRES

25 Jan 2014

TO ANY SHERIFF, CONSTABLE, MARSHALL, OR POLICEMAN OF THE STATE OF
IDAHO:

THE ABOVE-NAMED DEFENDANT IS:

I. Charged with CONTROLLED SUBSTANCE-POSSESSION OF, 137-2732(C)(1) a Felony,
on 07/03/2013.

II. Charged with NON COMPLIANCE WITH TERMS OF BOND

III. Failed to COMPLY WITH THE TERMS OF COURT COMPLIANCE PROGRAM
REQUIREMENTS

YOU ARE HEREBY COMMANDED to arrest the above-named Defendant and deliver
Him/Her into custody to be brought before this Court and dealt with according to law.

IT IS SO ORDERED.

Dated this 25 day of July, 2013.

[Signature]
THOMAS D. KERSHAW JR
Judge, Fifth Judicial District
Magistrate Division

DAY/NIGHT SERVICE XXX

DAY ONLY SERVICE _____

COPY

ORIGINAL

WARRANT / SUMMONS SERVED

Print or Type

DELETED COMPUTER
Date _____
DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

DATE: 7-30-13 TIME: 2230 2013 JUL 31 AM 10:38 WARRANT NO. CR-13-7372

DEFENDANT: Easterday, Ashli M. BY [REDACTED]

DOB: [REDACTED] SOCIAL SECURITY # [REDACTED]

ADDRESS 384 Maple str. Castleford ID DEPUTY

ARRESTING AGENCY: TFC SO

OFFICER: Thompson 11240

ORIGINATING AGENCY: TFCSO

CHARGE: Warrant Felony ☒ Misd. ☐

IN CUSTODY (where) TFCSO

BONDED: YES ☐ NO ☒ AMOUNT OF BOND \$ 20,000.00

RELEASED (O.R.) OWN RECOGNIZANCE YES ☐ NO ☒

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

RECEIVED
JUL 25 PM 3 35
TWIN FALLS
COUNTY SHERIFF

STATE OF IDAHO,
Plaintiff,

ARREST WARRANT

Case No. CR13-7372

ASHLI MARIE EATERDAY

Defendant,

BOND \$ 20,000

D.O.B.:

SSN #:

THIS WARRANT EXPIRES

25 Jan 2014

TO ANY SHERIFF, CONSTABLE, MARSHALL, OR POLICEMAN OF THE STATE OF
IDAHO:

THE ABOVE-NAMED DEFENDANT IS:

I. Charged with CONTROLLED SUBSTANCE-POSSESSION OF, 137-2732(C)(1) a Felony,
on 07/03/2013.

II. Charged with NON COMPLIANCE WITH TERMS OF BOND

III. Failed to COMPLY WITH THE TERMS OF COURT COMPLIANCE PROGRAM
REQUIREMENTS

YOU ARE HEREBY COMMANDED to arrest the above-named Defendant and deliver
Him/Her into custody to be brought before this Court and dealt with according to law.

IT IS SO ORDERED.

Dated this 25 day of July, 2013.

Thomas D. Kershaw
THOMAS D. KERSHAW JR
Judge, Fifth Judicial District
Magistrate Division

DAY/NIGHT SERVICE XXX

DAY ONLY SERVICE

WARRANT SERVED

DATE/TIME 07-30-13 @ 2230

DEPUTY Thompson 11240

☒ ORIGINAL

Twin Falls County Sheriff's Office

Inmate Screening Report

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED



Inmate No. 147106 Name EASTERDAY, ASHLI MARIE

Race W Sex F

Booking No. 202981

DOB [REDACTED]

2013 JUL 31 AM 8:14

BY

~~CLERK~~
DEPUTY

Question:

Answer: Comments:

Address

Y 384 MAPLE ST IN CASTLEFORD, ID

What is your age and last four of social security number

Y 30/// [REDACTED]

Where are you employed

N

How many dependents are currently living with you (number and age)

N

What is your total net monthly income

N

What are your total assets (home, auto's, personal property, checking, savings, funds etc.)

Y

How much is your monthly home expense (rent, mortgage, insurance.)

Y 550.00 MONTHLY

How much are your monthly utilities (water, power, gas, telephone)

Y 200.00

How much is your monthly auto expense (auto, gas, insurance, repair)

Y 130.00

Do you pay Child Support? How much

N

What is your primary language

Y ENGLISH

How much disposable income is available to you

N

Are you requesting the use of a Public Defender to represent you

Y

Do you understand that you could be required to reimburse Twin Falls County for the Public Defender service.

Y

Under the penalty of perjury do you swear the answers on this statement are true and correct to the best of your knowledge

Y

Ashli Easterday

Inmate Signature

Officer ID 2375

Name DIXON, RYAN

Date 06/15/1983 00:00

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2013 JUL 31 PM 2:12

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

BY [Signature] CLERK
DEPUTY

ARRAIGNMENT MINUTES

Date 7/31/13 Time 1:00pm Counter 118 Case No. CR-13-7372
Judge Harris Deputy Clerk J. Petersen Interpreter _____ Ctrm # 5

State of Idaho

Attorney _____

vs

Ashli Easterday

Attorney _____

Offense: Possession of a Controlled Substance (Court Compliance Warrant)

☒ Appeared in person ☒ Bond 20,000 ☒ per warrant(s) ☐ to be held without bond ☐ Agent's warrant ☐ OR release
☐ To serve _____ days per warrant ☐ Walk In Arraignment/Summons ☐ Bond previously posted ☐ Court Compliance program

☐ Failed to appear ☐ Warrant issued ☐ Forfeit previous bond ☐ Bond _____

☐ Complaint read ☐ Probation violation read ☒ Defendant waived reading of probation violation
☒ Rights and penalties given ☒ Rights form signed ☒ Rights and penalties understood

☐ Defendant waived counsel ☐ Private counsel _____ ☐ to hire
☒ Public defender appointed ☐ Public defender denied ☒ Public defender confirmed/continued

☐ Plead not guilty
☐ Plead guilty

☐ Pretrial
☐ Court trial
☐ Jury trial
☐ Sentencing
☒ Prelim 8/2/13 @ 8:15 AM
☐ Fugitive (identity)
☐ Arraignment

☐ Court accepted plea

☐ Hearing to be set

☐ PV - admit
☐ PV - deny

☐ Admit/Deny
☐ Evidentiary
☐ Disposition
☐ Status

Conditions of bond/OR release/probation:

☐ AGENT'S WARRANT - To be replaced in 72 hours or defendant to be released

☒ Check in with public defender immediately upon release

☐ Check in with court compliance officer; Pay costs associated with court compliance ☐ SCRAM unit authorized

☐ Court entered no contact order

☐ Border patrol hold

☐ To be transported to _____

☐ Report to jail. Court signed book and release order.

427 Shoshone Street North
Twin Falls, Idaho 83301

Hoerner-Owens Bonds
Kendra Rae Gonzalez
155 2nd Ave N, Suite 202
Twin Falls ID 83301

Case No: CR-2013-0007372 2013 JUL 31 PM 5:03

ORDER OF REINSTATEMENT OF BOND

☒ ~~ORDER RESCINDING FORFEITURE~~ ^{DEPUTY}

☐ ORDER EXONERATING BOND

BOND POWER NO: 2013-AA-085094

BOND AMOUNT: \$1000.00

YOU ARE HEREBY NOTIFIED that the bail for the above named Defendant for which you are obligor, was declared forfeited by order of this Court pursuant to Idaho Code 19-2927, on .

- ☐ Within seven (7) days of the entry of forfeiture, the court has determined that there is good cause, and hereby sets aside the forfeiture and reinstates the bail.
- ☒ The defendant appeared or has been brought before the court within one hundred eighty (180) days after the order forfeiting bail. The court hereby rescinds the order of forfeiture and shall exonerate the bond.
- ☐ The court has determined that there is good cause, this bond is hereby exonerated.

Dated: Wednesday, July 31, 2013

Judge

I certify a copy of this Notice was mailed, postage paid, to the above named bail agent at the address listed above.

Dated: Wednesday, July 31, 2013

Kristina Glascock
Clerk of the District Court

By:

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 02 2013

MINUTES FOR PRELIMINARY HEARING

JUDGE: Kershaw
DEPUTY CLERK: D. Jones
CASE #: CR 13-7372

By [Signature] Clerk
DATE: 8-2-13
TIME: 8:15 AM
TAPE: 9:48
COURTROOM: 6

THE STATE OF IDAHO,
Plaintiff,

ATTY: Peter Hatch

vs.

Ashli Easterday
Defendant.

ATTY: Trever Missledine

☒ In Custody ☐ Not Present ☐ Failed to Appear

THE DEFENDANT IS CHARGED WITH:

Possess Controlled Substance

COURT REVIEWED THE FILE.

COURT READ THE COMPLAINT. COUNSEL WAIVED READING.

DEFENDANT WAIVED PRELIMINARY HEARING.

WRITTEN WAIVER FILED

DEFENDANT WAIVED SPEEDY PRELIMINARY HEARING.

WRITTEN WAIVER FILED

COURT GAVE THE DEFENDANT HIS/HER RIGHTS IN THIS MATTER.

WRITTEN OFFER SIGNED BY DEFENDANT AND FILED WITH THE COURT.

COURT ACCEPTED WAIVER.

DEFENDANT WAS BOUND OVER TO DISTRICT COURT.

STATE / DEFENSE REQUESTED A CONTINUANCE. BY STIPULATION

CONTINUED TO: WITH JUDGE

☒ PRELIMINARY HEARING TO BE HELD ☒ SEE PAGE 2

COUNSEL MOVED FOR THE EXCLUSION OF WITNESSES COURT GRANTED.

☒ **DEFENDANT BOUND OVER AFTER PRELIM**
CASE DISMISSED/REDUCED AFTER PRELIM

DEFENSE MOVED FOR BOND REDUCTION,

STATE OBJECTED STIPULATED ARGUMENT PRESENTED

BOND WILL REMAIN AS PREVIOUSLY SET. O.R. RELEASE

BOND RESET AT \$ (BOND AMOUNT IS FOR THIS CASE ONLY)

DEFENDANT TO ENROLL IN COURT COMPLIANCE UPON RELEASE/BOND

COURT SIGNED ORDER FOR COURT COMPLIANCE

OTHER CONDITIONS OF BOND

STATE DISMISSED THE CHARGE(S)

STATE FILED AMENDED COMPLAINT COURT READ AMENDED COMPLAINT

STATE AMENDED CHARGE(S) TO

STATE REDUCED THE CHARGE(S) TO MISD.

COURT GAVE DEFENDANT HIS/HER RIGHTS IN THIS MATTER.

DEFENDANT ENTERED GUILTY PLEA TO THE REDUCED CHARGE.

COURT ACCEPTED PLEA. SET FOR SENTENCING ON

COMMENTS:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

COURT MINUTES

CR-2013-0007372

State of Idaho vs. Ashli Marie Easterday

Hearing type: Preliminary

Hearing date: 8/2/2013

Time: 9:48 am

Judge: Thomas D. Kershaw Jr.

Courtroom: 6

Minutes Clerk: DJONES

Tape Number: 9:48

Prosecutor: Peter Hatch appeared on behalf of the State of Idaho.

Defense Attorney: Trever Missledine appeared with the defendant, Ashli Easterday, this being the time and place for preliminary hearing.

9:48 State's 1st witness, Jeremy Engbaum was duly sworn in and testified under direct examination by Mr. Hatch.

9:50 Cross examination of witness by Mr. Missledine.

9:52 State's 2nd witness, Stacy Gorrell was duly sworn in and testified under direct examination by Mr. Hatch.

9:57 Cross examination of witness by Mr. Missledine.

Witness was excused.

State rested their case.

No evidence was presented by the defense.

State submitted case to the Court and reserves the right for rebuttal argument.

10:00 Mr. Missledine made closing argument.

10:02 Mr. Hatch made rebuttal argument.

10:03 Mr. Missledine made final comments.

Court questioned Mr. Missledine and Mr. Hatch.

10:05 Court made findings on the record and ordered that the defendant be bound over to District Court.

AUG 02 2013 10:05 AM

By _____ Clerk

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

ASHLI MARIE EASTERDAY,

Defendant.

Case No. CR-2013-0007372

**ORDER HOLDING
DEFENDANT TO ANSWER TO
DISTRICT COURT**

☐ Defendant having freely, knowingly and voluntarily waived a preliminary hearing, I order that defendant be held to answer to the charge(s) of:
137-2732(C)(1) Controlled Substance-Possession of in the District Court.

☒ From the evidence presented, I find that the offense(s) of:
137-2732(C)(1) Controlled Substance-Possession of has/have been committed and there is sufficient cause to believe the defendant is guilty thereof. I order that defendant be held to answer in the District Court.

DATED 2 Aug 13.

CC: Grant Loebs
Marilyn Paul

J. K. [Signature]
Magistrate Judge

August 2, 2013 2:21 PM

By [Signature] Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
427 Shoshone Street North
Twin Falls, Idaho 83301

STATE OF IDAHO,
Plaintiff.

vs.) CASE NO: CR-2013-0007372

Ashli Marie Easterday
384 Maple St
Castleford, ID 83321
Defendant.

NOTICE OF HEARING

DOB [REDACTED]
DL: [REDACTED]

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Arraignment Monday, August 19, 2013 09:00 AM
Judge: Honorable Randy J. Stoker

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Friday, August 02, 2013.

Alternate Judges: Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25(a)(6). Notice is given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bevan, Brody, Butler, Crabtree, Elgee, Hurlbutt, McDermott, Schroeder, Stoker, Wildman and Williamson.

Defendant: Ashli Marie Easterday Mailed _____ Hand Delivered _____

Private Counsel: Mailed _____ Box ☒
Marilyn Paul
P.O. Box 126
Twin Falls ID 83303-0126

Prosecutor: Grant Loeb Mailed _____ Box ☒

Dated: Friday, August 02, 2013
Kristina Glascock --Clerk of the District Court

By: [Signature]
Deputy Clerk

NOTICE OF HEARING

132
OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P. O. Box 126
Twin Falls, Idaho 83303
(208)734-1155
ISB# 6976

ORIGINAL
DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2013 AUG -2 PM 3:53

BY _____ CLERK
bb DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

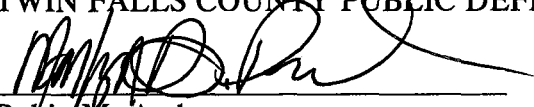
STATE OF IDAHO ,)	
)	
Plaintiff,	)	Case No. CR 13-7372
)	
)	
ASHLI EASTERDAY,	)	NOTICE OF HEARING
)	
Defendant.)	
_____)	

TO: GRANT LOEBS, TWIN FALLS COUNTY PROSECUTOR:

PLEASE TAKE NOTICE that on the 9th of August, 2013, at the hour of 10:30 a.m. or as soon thereafter as counsel can be heard, the undersigned requests a Bond Reduction hearing in the above entitled matter, before the Honorable Randy Stoker.

DATED this 2 day of August, 2013.

TWIN FALLS COUNTY PUBLIC DEFENDER


Robin M. Ambrose
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing
NOTICE OF HEARING to be properly delivered to the Prosecutor, on this 2 day of
August, 2013.

Twin Falls County Prosecutor

☒ Court Folder

Kyle Kovan

OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P. O. Box 126
Twin Falls, Idaho 83303-0126
(208)734-1155
ISB# 6976

DISTRICT COURT
TWIN FALLS COUNTY
FILED

2013 AUG -5 AM 8:53

BY _____ CLERK

8

DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,)

Plaintiff,)

v.)

ASHLI EASTERDAY,)

Defendant.)

Case No. CR-13-7372

MOTION FOR BOND REDUCTION

COMES NOW the above-named Defendant by and through his/her attorney, Robin M. Ambrose, Deputy Public Defender, and moves this Honorable Court for a Bond Reduction/OR release in the above-entitled matter. Additionally, Defendant offers as grounds for this Motion the oral evidence to be presented at hearing.

WHEREFORE, based on the foregoing, and for such other reasons as may appear appropriate to this Honorable Court, the Defendant, Ashli Easterday, prays this Court will grant his/her Motion for Bond Reduction or allow him/her to be released on his/her own recognizance.

RESPECTFULLY SUBMITTED This 2nd day of August, 2013.

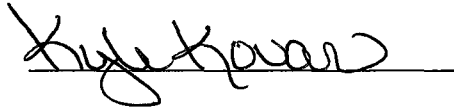
OFFICE OF THE PUBLIC DEFENDER

Robin M. Ambrose
Robin M. Ambrose
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing
MOTION FOR BOND REDUCTION to be placed in the Twin Falls County Prosecutor's file at
the Twin Falls County Clerk's Office in Twin Falls, Idaho on the 2 day of August,
2013.

GRANT LOEBS
TWIN FALLS COUNTY
PROSECUTING ATTORNEY

A handwritten signature in black ink, appearing to read "Grant Loeb", is written over a horizontal line.

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2013 AUG -5 PM 3:08

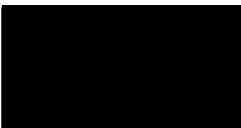
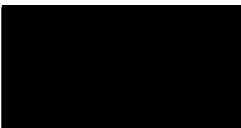
BY _____ CLERK

[Signature]

DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, Idaho 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

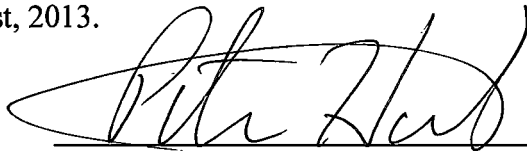
STATE OF IDAHO,	)	Case No. CR 13-7372
)	
Plaintiff,	)	INFORMATION FOR A FELONY,
	)	NAMELY:
vs.	)	Possession of a Controlled Substance
	)	(Methamphetamine)
ASHLI MARIE EASTERDAY,)	
	)	DOB: 
Defendant.	)	SSN: 

Peter M. Hatch, Deputy Prosecuting Attorney for Twin Falls County, State of Idaho, who in the name and by the authority of said State, prosecutes in its behalf, in proper person, comes now into said District Court of the County of Twin Falls, State of Idaho, and gives the Court to understand and be informed that ASHLI MARIE EASTERDAY, the above-named defendant, is accused by this Information of the crime of POSSESSION OF A CONTROLLED SUBSTANCE (METHAMPHETAMINE), a Felony.

**POSSESSION OF A CONTROLLED SUBSTANCE (METHAMPHETAMINE)
Felony, I.C. 37-2732(c)(1)**

That the Defendant, ASHLI MARIE EASTERDAY, on or about the 3rd day of July, 2013,
in the County of Twin Falls, State of Idaho, possessed a controlled substance, to-wit:
Methamphetamine and/or Amphetamine, a Schedule II controlled substance, in violation of
Idaho Code Section 37-2732(c)(1).

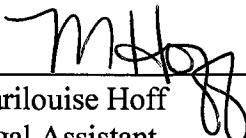
DATED this 5th day of August, 2013.

A handwritten signature in black ink, appearing to read "Peter Hatch", written over a horizontal line.

Peter M. Hatch
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 5 day of August, 2013, I served a copy of the foregoing **INFORMATION** thereof into the mail slot for **THE OFFICE OF OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



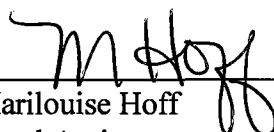
Marilouise Hoff
Legal Assistant

DEPUTY

MOTION TO DISQUALIFY ALTERNATE JUDGE - 1

CERTIFICATE OF SERVICE

I hereby certify that on the 7 day of August, 2013, I served a copy of the foregoing **MOTION TO DISQUALIFY ALTERNATE JUDGE** thereof into the mail slot for **OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Marilouise Hoff
Legal Assistant

Other: Drug test upon release with Court Compliance. Drug/Alcohol testing.
Defendant signed C-C order. Report to Court Compliance
upon release. MS Ambrose to submit order for transcript
at County expense. Court will sign order. (10/17)

AUG - 9 2013

By [Signature] 10:40 AM
Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff,

vs.

Ashli Marie Easterday
Ashli Marie Easterday
Defendant.

CASE NO. CR-

13-7372

ORDER FOR PARTICIPATION
IN COURT COMPLIANCE AS
CONDITION OF RELEASE

IT IS HEREBY ORDERED, as a condition of either the Defendant's release on his own recognizance or by posting bond, that the above-named Defendant shall submit to monitoring and supervision by the Court Compliance Program ("CCP") administered by the Twin Falls County Adult Probation Department. Defendant is required to sign up with the Court Compliance Program within one (1) hour of release from custody. The Court Compliance Office is located at 245 3rd Ave. N., Twin Falls, Idaho.

The monitoring and supervision may include, but may not be limited to, compliance with any reporting requirements imposed by CCP representatives; submitting to tests of Defendant's blood, breath, urine, saliva, hair or other bodily fluids or tissues; complying with curfews or other directives relating to Defendant's living circumstances, activities or personal associations, and the like.

Any search of the defendant's person or property, except as otherwise specified herein, is authorized if there is probable cause or other legal basis, including consideration of the defendant's consent, for such search.

☒ The court makes a specific finding, based upon the nature of the alleged crime as described in the court's file, the recommendations of counsel and the Defendant's criminal

history, that a requirement for drug and/or alcohol testing should be imposed in this case and is reasonably related to the purposes for pre-trial release, including the protection of the public and ensuring the appearance of the Defendant at future court proceedings. Therefore the court authorizes CCP representatives to require, as a condition of the Defendant's release,

☒ Drug testing

☒ Alcohol testing

IT IS FURTHER ORDERED that immediately upon release from custody, Defendant shall meet with CCP officers to sign up for the Court Compliance program, and provide both residential and employment addresses, and phone numbers as required. If any of these things change, the defendant will inform court compliance of the change.

IT IS FURTHER ORDERED, and Defendant agrees by signing this document, that Defendant shall pay all fees and other charges levied by the Court Compliance Program, including but not limited to costs for sample collection or testing, and charges for participation in the program.

NOTICE

Any failure to comply with this order or with the requirements of the Court Compliance Program may result in the revocation of any order of release (whether or not such release was secured by bond, cash or other collateral or upon the Defendant's own recognizance), the forfeiture of any bond posted, and the issuance, without notice, of a bench warrant for the Defendant's immediate arrest. By acknowledging his or her receipt of this order, Defendant specifically accepts this condition of release and waives all right to notice of violating the conditions of release on bail, and any bail revocation hearing.

DATED this 9 day of August, 2013.

cc: Paws
Ally
Sheriff
CC.

Ashley E. Long
Received And Acknowledged

[Signature]
Magistrate/District Judge

C.C. Small District
Def. Today to
ESR/Arrest/Drug Test

Date: 8/9/2013

Fifth Judicial District Court - Twin Falls County

NO. 1320230

Time: 02:48 PM

Receipt

Page 1 of 1

Received of: Hoerner-Owens Bail Bonds

\$ 10.00

Ten and 00/100 Dollars

Case: CR-2013-0007372

Defendant: Easterday, Ashli Marie

Amount

Sheriff Fees

10.00

Total:

10.00

Payment Method: Cash

Amount Tendered: 10.00

Kristina Glascock , Clerk of the District Court

By: *AK*
Deputy Clerk

Clerk: HANSON
Duplicate

OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P. O. Box 126
Twin Falls, Idaho 83303-0126
(208)734-1155
ISB # 6976

ORIGINAL
DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 12 2013

By _____ 9:50 AM
Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff,

vs.

ASHLI EASTERDAY,

Defendant.

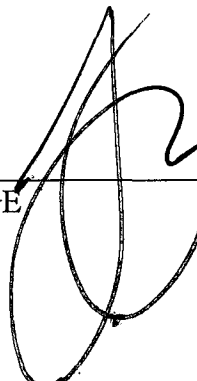
Case No. 13-7372

ORDER FOR PREPARATION
OF TRANSCRIPT AT
COUNTY EXPENSE

IT IS HEREBY ORDERED AND THIS DOES ORDER, that a transcript of the
Defendant's Preliminary Hearing in the above entitled matter, held August 2, 2013, be prepared
at county expense.

DATED this 12th day of August, 2013.

JUDGE



CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that a true and correct copy of the foregoing ORDER was placed in the County Prosecutor's file in Magistrate Court on the 12 day of Aug, 2013.

OFFICE OF THE
PROSECUTING ATTORNEY
GRANT LOEBS

☐ Hand Deliver
☒ Courthouse Mail

OFFICE OF THE
PUBLIC DEFENDER

☐ Hand Deliver
☒ Courthouse Mail

COURT ~~REPORTER~~ RECORDS

☐ Hand Deliver
☒ Courthouse Mail

Heather McHullen

132
Twin Falls County
Court Compliance Program Agreement in Lieu of Incarceration

Name: Ashli Easterday Case: CR13-7372 DISTRICT COURT
Address 384 Maple St Castleford Phone: 208-421-3662 TWIN FALLS CO. IDAHO
DOB: [REDACTED] Date: 8/9/13 2013 AUG 14 PM 3:43
FILED

THIS AGREEMENT IS UTILIZED BY ORDER OF THE BELOW SIGNED MAGISTRATE/DISTRICT JUDGE FOR THE RELEASE OF THE ABOVE NAMED ADULT. BY _____ CLERK

A. I, THE ABOVE NAMED ADULT WILL ABIDE BY ALL OF THE RULES AND REGULATIONS OF THIS AGREEMENT AS LISTED BELOW, AS WELL AS ALL CITY, COUNTY, STATE AND FEDERAL LAWS. DEPUTY

B. RULES AND REGULATIONS: "INITIALS" INDICATES APPLICABLE TO DEFENDANT.

AE 1. House Arrest—Electronic Monitoring. No privileges, I agree to remain at my residence at all times, except for specific times approved by the Court Compliance Probation Officer to fulfill my school, employment, and other required conditions of my release to the community.

AE 2. Do not consume and/or have in your possession alcoholic beverages and/or illegal controlled substances or be where they are present. I shall not use or possess any prescription medication unless lawfully prescribed by a licensed physician. Further I shall not use or possess any synthetic drug/cannabinoid substance or any synthetic mood/mind altering legal or illegal substance. I will submit to alcohol/drug testing as required by the Court and/or Court Compliance Probation Officer.

AE 3. Curfew shall be 9 p.m. weekdays and 9 p.m. weekends, unless working/treatment

AE 4. To report to the Magistrate Probation Office as directed.

AE 5. To appear at all court hearings when advised to do so, and maintain contact with my attorney.

AE 6. To be employed full-time or actively seeking full-time employment.

AE 7. To notify the Court Compliance Probation Officer immediately of any change of address, telephone, or employment.

AE 8. Pay all costs and fees associated with the Court Compliance Program.

AE 9. Community Checks: I agree and consent to comply with all address verification checks at any time, any place or any location. I also agree and consent to allow verification of my compliance with all court orders.

AE 10. All requests to leave the state of Idaho shall be approved by the court in writing and submitted to the Court Compliance Probation Officer prior to leaving the state.

AE 11. No Contact with the following persons: drug or alcohol users

AE 12. Fees ordered by Court:
Electronic Monitoring \$10 per day
Modified House Arrest \$5 per day
☒ Drug Testing \$15 each lab test
\$7 each field test
\$3 each breathalyzer test

AE 13. Additional 9 pm daily Curfew, phase 3 UAs; random Intox

I THE ABOVE NAMED DEFENDANT, SHOW BY MY SIGNATURE BELOW THAT I HAVE READ AND UNDERSTAND THIS AGREEMENT, AND PROMISE TO ABIDE BY THIS AGREEMENT. I THE ABOVE NAMED DEFENDANT UNDERSTAND THAT IF I VIOLATE ANY PORTION OF THIS AGREEMENT IT MAY BE REVOKED AND I MAY BE SUBJECT TO ISSUANCE, WITHOUT NOTICE, OF A BENCH WARRANT, AND I MAY BE DETAINED UNTIL FURTHER PROCEEDINGS CAN BE ESTABLISHED.

Ashli Easterday
DEFENDANT'S SIGNATURE

Norma Ruiz
PROBATION OFFICER SIGNATURE

/s/ Stoker
DISTRICT/MAGISTRATE JUDGE SIGNATURE

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2013 AUG 19 AM 11:05

BY _____ CLERK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho,

Plaintiff

Vs.

Ashli Marie Easterday

Defendant

Case No. CR-2013-7372

Acknowledgment of Service

I, Kristina Glascock, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify that the transcript of the Preliminary Hearing held August 2, 2013 in the above-entitled case was delivered to counsel for the Plaintiff and for the Defendant on the 19th day of August, 2013.

Kristina Glascock
Clerk of the District Court
By: [Signature]
Deputy Clerk

Plaintiff's Counsel: Peter Hatch
Twin Falls County Prosecutor's Office
P.O. Box 126
Twin Falls, ID. 83303-0126

- Court Box

Defendant's Counsel: Trevor Misseldine
Twin Falls County Public Defender's Office
P.O. Box 126
Twin Falls, ID. 83303-0126

- Court Box

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AUG 19 2013

By _____ Clerk

JUDGE STOKER
CLERK A. AGUIRRE
REPORTER TRACY BARKSDALE
COURTROOM 2

CASE # CR-2013-0007372 Deputy Clerk
DATE 8/19/2013
TIME 09:00 AM
CD 1033 1058

STATE OF IDAHO,
VS.

ASHLI MARIE EASTERDAY

[] DEFENDANT IN CUSTODY

CHARGES: Controlled Substance-Possession of

☒ ARRAIGNMENT [] STATUS [] ENTRY OF PLEA [] BOND [] CHANGE OF PLEA

APPEARANCES:

☒ Defendant OC ☒ Prosecutor Hatch
☒ Def. Counsel Ambrose ☒ Other _____

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

☒ Defendant is informed of the charges against him/her and all legal rights including the right to representation
☒ Defendant is advised of the effect of a guilty plea and the maximum penalties
☒ Defendant indicated that he/she understands rights and penalties
☒ Waived reading of the "Information" ☒ Name verified ☒ Public Defender is confirmed/appointed

☒ ENTRY OF NOT GUILTY PLEA: ☒ By defendant [] By the Court

State's Attorney: _____

of days for trial _____ Pre-Trial _____ Jury Trial Nov 19
Discovery Cutoff _____ Status Hearing _____

[] ENTRY OF GUILTY PLEA: [] Defendant duly sworn in and questioned by the Court

Charge Amended to _____ Pled to _____

Counts to be Dismissed _____

[] Enters plea knowingly, freely and voluntarily [] Plea accepted and adjudged guilty [] Plea/Offer Filed

Sentencing Date _____

[] Presentence Report ordered [] 19-2524 Substance Abuse Eval [] 19-2524 Mental Health Eval

[] Updated PSR [] Psychosexual Eval [] Domestic Violence Eval [] Other Eval _____

[] Drug Court recommended Status Date _____

BOND HEARING: [] Counsel addressed the Court

[] Released on own recognizance [] Bond remains as set [] Bond re-set to _____

Conditions of Release: [] Court Compliance [] Curfew of _____ [] Remain on Probation

[] Reside at _____ [] _____ Random UAs per week

Other: MS Ambrose to file Motion to Suppress (1101)

By Clerk
 Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
427 Shoshone Street North
Twin Falls, Idaho 83301**

STATE OF IDAHO,
Plaintiff.

vs. CASE NO: CR-2013-0007372

Ashli Marie Easterday
PO Box 761
Castleford, ID 83321
Defendant.

DOB: 
DL: 

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Pretrial Conference Tuesday, November 12, 2013 04:00 PM
Judge: Honorable Randy J. Stoker

Jury Trial Tuesday, November 19, 2013 08:30 AM
Judge: Honorable Randy J. Stoker

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Wednesday, August 21, 2013.

Alternate Judges: Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25(a)(6). Notice is given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bevan, Brody, Butler, Crabtree, Elgee, Hurlbutt, McDermott, Schroeder, Stoker, Wildman and Williamson.


Private Counsel:
Marilyn Paul
P.O. Box 126
Twin Falls ID 83303-0126

Mailed _____ Box ☒

Prosecutor: Grant Loebis

Mailed _____ Box ☒

Dated: Wednesday, August 21, 2013
Kristina Glascock --Clerk of the District Court

By: 
Deputy Clerk

NOTICE OF HEARING

agency's file prior to the Pre-trial Conference to make sure all reports or evidence are disclosed to defense counsel as required by I.R.C. 16. Except in exceptional circumstances the Court will not hear discovery motions after the Pretrial Conference.

4. **Expert Testimony.** All medical or expert testimony witnesses must be Disclosed on or before the Pretrial Conference and the provisions of I.R.C. 16 regarding discovery of expert witnesses must be complied with prior the Pretrial Conference.

5. **Jury Instructions.** Counsel must file their proposed instructions and submit a copy by email to (stokerlawclerk@co.twin-falls.id.us) in Word document format by at least the Thursday before the trial date.

6. **Exhibits.** Exhibit and Witness lists describing a party's intended exhibits and witnesses must be filed by the Thursday prior to the trial date. In addition Counsel shall meet with the clerk to mark and/or to stipulate to the admission of exhibits between the Pretrial Conference and at least one day before trial. It is the responsibility of counsel to become familiar with the Court's audio-visual equipment PRIOR to trial and to ensure that all audio and video exhibits can be broadcast on the Court's equipment.

Alternate Judges Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25(a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bevan, Brody, Butler, Crabtree, Elgee, Hurlbutt, McDermott, Schroeder, Stoker, Wildman and Williamson.

NOTICE OF TRIAL AND PRETRIAL IS ATTACHED. The Defendant is Ordered to appear at the Pretrial Conference. If this case is resolved by plea then that plea will be taken at or before the Pretrial Conference. The Defendant must complete the Court's current "Guilty Plea Advisory Form."

7. a. Counsel will meet with the clerk to mark and/or to stipulate to exhibits between the pre-trial conference and at least one day before trial.

DATED this 21st day of August, 2013.



RANDY J. STOKER
District Judge

132

OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P. O. Box 126
Twin Falls, Idaho 83303
(208)734-1155
ISB# 6976

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED
ORIGINAL

2013 SEP 11 PM 3:29

BY _____
CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

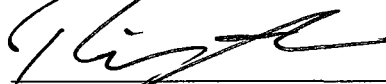
STATE OF IDAHO ,)	
)	
Plaintiff,	)	Case No. CR 13-7372
)	
)	
ASHLI EASTERDAY,	)	NOTICE OF HEARING
)	
Defendant.)	
_____)	

TO: GRANT LOEBS, TWIN FALLS COUNTY PROSECUTOR:

PLEASE TAKE NOTICE that on the 25th of October, 2013, at the hour of 1:30 p.m. or as soon thereafter as counsel can be heard, the undersigned requests a Motion To Suppress hearing in the above entitled matter, before the Honorable Randy Stoker.

DATED this 11th day of September, 2013.

TWIN FALLS COUNTY PUBLIC DEFENDER



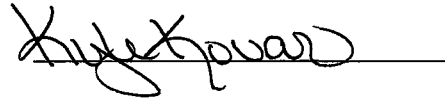
Robin M. Ambrose
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing
NOTICE OF HEARING to be properly delivered to the Prosecutor, on this 11 day of
September, 2013.

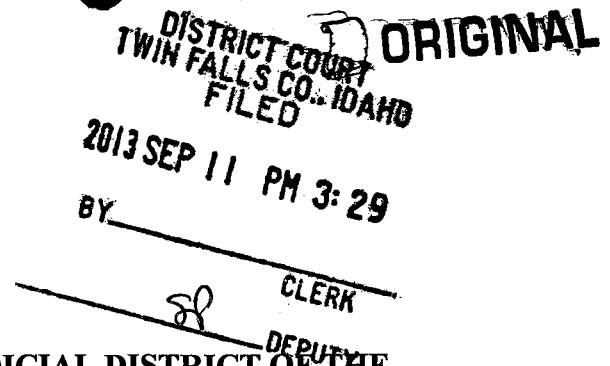
Twin Falls County Prosecutor

☒ Court Folder



132

OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P.O. Box 126
Twin Falls, Idaho 83303-0126
(208) 734-1155
ISB #6976



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

* * * * *

STATE OF IDAHO,)	
	)	CASE NO: CR 13-7372
Plaintiff,)	
v.)	
	)	MOTION TO SUPPRESS AND
ASHLI EASTERDAY,	)	MEMORANDUM IN SUPPORT
)	
Defendant.)	
_____)	

COMES NOW the above named Defendant, Ashli Easterday, by and through her attorney Robin Ambrose, Twin Falls County Deputy Public Defender, and hereby moves this Honorable Court pursuant to I.C.R. 12(b)(3) and 47 for suppression of all evidence obtained as a result of an illegal search on the afternoon of July 3, 2013, or in the alternative, dismissal. This Motion is made and based upon the following points and authorities.

I. FACTUAL SUMMARY

On information and belief, the facts are as follows:

On July 3, 2013 at approximately 3:00 pm, Officer Stacey Gorrell completed a traffic stop on a vehicle driven by the defendant, Ashli Easterday. See Transcript of Digital Audio of August 2, 2013 Preliminary Hearing, Tr. p.12, L.10 – p.13, L.18. Officer Gorrell explained to Ms. Easterday that the owner of the vehicle she was driving had requested its return, and told her that she could call someone to transport her away from the scene. Tr. p.18, L.7-16.

While Ms. Easterday remained inside the vehicle, Officer Jeremy Engbaum arrived and assisted at Officer Gorrell's request, and ran his drug dog around the vehicle, with a positive indication. Tr. p.14, L.8-23. Officer Gorrell then requested Ms. Easterday to exit the vehicle. Tr. p.15, L. 1-3.

Upon exiting the vehicle, Ms. Easterday grabbed her purse, which had been sitting right next to her on the bench seat during the traffic stop, and exited the vehicle with her purse. Tr. p. 16, L. 4-19, p.18, L.20 – p.19, L.1. Officer Gorrell then informed Ms. Easterday that he "needed to take a look, to search her purse because the purse was sitting on the seat when the dog indicated on the vehicle." Tr. p.17, L.21-25. Ms. Easterday became agitated and did not give consent to the search of her purse, but did eventually allow Officer Gorrell to search the purse when he insisted that he had to search the purse. Tr. p.20, L.1-6.

Methamphetamine and items of paraphernalia were found within the purse, which form the basis of the instant charge in this case. Tr. p.16, L.5-17.

II. ISSUE

Was Officer Gorrell justified in demanding that Ms. Easterday allow him to search her purse?

III. POINTS AND AUTHORITIES

The Fourth and Fourteenth Amendments to the Federal Constitution and Article I, Section 17 of the Idaho Constitution together protect citizens against unreasonable searches and seizures. *State v. Robertson*, 134 Idaho 180, 184 (Ct. App. 2000). Furthermore, the Idaho Constitution contains protections which may exceed those of the Federal constitution. *State v. Cada*, 129 Idaho 224 (Ct. App. 1996). A search without a warrant is *per se* unreasonable unless

it falls within one of the exceptions to the Fourth Amendment requirement. *Id.* at 185; *Coolidge v. New Hampshire*, 403 U.S. 443 (1967).

Police actions in requiring Ms. Easterday to allow the officer to search her purse exceeded the permissible scope of the Fourth and Fourteenth Amendments of the United States Constitution and Article 1, Section 17 of the Idaho Constitution. Thus, any contraband seized or statements made in this case are subject to the Exclusionary Rule as fruit of the unlawful actions of police officers. *Wong Sun v. United States*, 371 U.S. 471 (1963).

IV. OFFICER GORELL ILLEGALLY REQUIRED MS. EASTERDAY TO ALLOW HIM TO SEARCH HER PURSE

Officer Gorrell lacked justification to search Ms. Easterday's purse. Though officers are allowed to search containers found within a vehicle that is subject to a legal search, those rights do not extend to searching passengers themselves or certain personal items afforded additional protection such as purses and wallets.

A. *State v. Newsom*: purse to be afforded same privacy as person

In *State v. Newsom*, 132 Idaho 698 (1998), the driver of a car was arrested on outstanding felony warrants. While one officer was arresting the driver, a second officer instructed Newsom to step out of the car. *Id.* at 698-99. According to her uncontradicted testimony, when she attempted to take her purse—which had been sitting in her lap—with her as she stepped out of the car, the second officer insisted that it remain inside the car. *Id.* at 699. Her purse was subsequently searched as a container within the passenger compartment and methamphetamine was found within it. *Id.*

The Idaho Supreme Court held that the trial court had erred in denying Newsom's suppression motion. *Id.* at 700. Their decision was based primarily on "the undisputed evidence... that [Newsom] did not leave the purse in the vehicle voluntarily." *Id.* They further explained that:

In these circumstances, *the passenger's purse was entitled to as much privacy and freedom from search and seizure as the passenger herself...* When the passenger left the vehicle she was entitled to take her purse with her and was not required... to leave it in the vehicle for the first officer to search.

Id. Emphasis added. It seems clear from this language that the *Newsom* court afforded privacy protections to Newsom's purse because Newsom chose to keep it near her and demonstrated that choice by taking it with her when she left the vehicle.

B. *State v. Holland*: Officers cannot create the right to search

State v. Holland, 135 Idaho 159 (2000), somewhat limited the scope of a passenger's personal property privacy rights, but still maintained that a passenger was entitled to leave the vehicle with whichever items of personal property she desired to carry out with her. In *Holland*, as in *Newsom*, a passenger was asked to leave the vehicle so that it could be searched prior to impound. *Id.* at 160. The facts of the case report that "[e]ither while she was exiting the car, or shortly thereafter, Holland requested a leather jacket and a purse belonging to her which were still in the car." *Id.* There is no information in the case to indicate where her purse and jacket were located in relation to herself in the vehicle. The officer allowed her to have the items only after he had searched them "for weapons." *Id.* Inside her purse, methamphetamine and paraphernalia were found, and she was subsequently charged with Possession of Methamphetamine. *Id.*

Distinguishing the facts of *Holland* from those of *Newsom*, the *Holland* court emphasized that, while *Newsom* “exited the vehicle holding her purse..., as *Holland* exited the vehicle she voluntarily left her purse behind.” *Id.* at 162-63. The court explained that:

[T]he holding [in *Newsom*] does not stand for the proposition that a passenger’s belongings may never be searched. Instead, *Newsom* stands for the proposition that the police cannot create a right to search a container by placing it within the passenger compartment of a car or by ordering someone else to place it there for them.

Id. at 163. The conclusion of the *Newsom* and *Holland* courts, then, appears to be that a suspect who voluntarily leaves his or her belongings behind in a vehicle about to be legally searched—no matter what the nature of those belongings may be—affords to police the right to search those belongings. If, however, a suspect leaves the vehicle with certain personal items, those items may not be searched by officers.

C. State v. Gibson: Heightened privacy interests for persons and wallets

This conclusion is supported by the case of *State v. Gibson*, 141 Idaho 277 (Ct. App. 2005). In that case, which originated in Twin Falls County, a drug dog indicated the presence of illegal substances in Gibson’s car while Gibson and a juvenile male were sitting inside, but a search of the vehicle failed to discover the source of the odor. *Id.* at 280. Officers then searched through the wallet they had removed from Gibson’s jacket and discovered a small baggie of methamphetamine. *Id.* The Idaho Court of Appeals determined that this was an impermissible extension of the automobile exception, even following an indication from a drug dog. *Id.* at 282-83. The Court explained that:

[O]ccupants of a car continue to have a heightened expectation of privacy, which protects against personal searches without a warrant. There exists a “unique, significantly heightened protection afforded against searches of one’s person.” Even a limited personal search intrudes upon cherished personal security and is an

annoying, frightening, and perhaps humiliating experience. The “traumatic consequences [like those involved in a personal search] are not to be expected when the police examine an item of personal property found in a car.” Thus, personal searches of vehicle occupants are not authorized under the automobile exception as a result of the occupant’s mere presence within a vehicle, which there is probable cause to search.

Id. (Internal citations omitted.)

Thus, the *Gibson* court stands with the *Newsom* court in the conclusion that privacy interests in specific personal belongings such as wallets and purses, even when those items are removable from the person, share the heightened privacy interest of the person him or herself.

D. On-person location not a relevant consideration

At Preliminary Hearing, the state argued that, because Ms. Easterday’s purse was located on the seat next to her, rather than in her lap as *Newsom*’s purse had been or in her jacket pocket as *Gibson*’s wallet had been, that Officer Gorrell was justified in demanding that she allow him to search it.¹ Tr. p.22, L.19 – p.23, L.2. This argument, if accepted by the court, would deny female drivers equal protection of their personal belongings commensurate with male drivers.

It is normal in our society for a man to carry a pocket-sized wallet, wherein he carries essential items of identity and monetary value, and often other items of a more intimate nature. Women, by contrast, normally carry with them a larger purse, containing similar items to a man’s wallet but also additional items for feminine hygiene and intimate protection which they may require during the course of a day and which they prefer to keep close to them at all times. *Gibson* and *Newsom* clearly afford both a man’s wallet and a woman’s purse equal protection to those items carried in a person’s pockets because, as the *Gibson* court articulated, “[e]ven a

¹ It is again noted that the location of *Holland*’s purse is unknown and was not discussed as a relevant detail by the *Holland* court.

limited personal search intrudes upon cherished personal security and is an annoying, frightening, and perhaps humiliating experience.” *Ibid.*

The normal size of a woman’s purse makes driving while holding a purse on her lap—or even somehow connected to her body—distracting and potentially hazardous. A purse held looped on the driver’s arm could tangle in the gear shift or other controls, interfering with the safe operation of the vehicle. A purse placed on the driver’s lap would likely come between the driver and the steering wheel air bag, and could be injurious or fatal in the event of an impact.

Nowhere in the *Newsom*, *Holland*, or *Gibson* opinions is there a distinction made between wallets and purses held on the person and wallets and purses simply kept close by for easy access. The justifications delineated by those three opinions to afford greater protection to wallets and purses applies equally to wallets and purses held in close proximity to the individual claiming them. Individuals who keep their purses and wallets in close proximity to themselves do not have a lower expectation of privacy in those items than do those individuals who are able to carry them on their person.

Indeed, it can be easily surmised that, if *Newsom* had lifted her purse from her lap and voluntarily left it in the vehicle, only asking for it after she exited the vehicle, that the *Newsom* court would have reached the same conclusion as the *Holland* court and allowed its search. Similarly, if *Gibson* had pulled his wallet from his pocket and voluntarily left it in the imminently-to-be searched vehicle before he exited, the *Gibson* court would have concluded that he was consenting to its search. By the same token, if *Holland* had grabbed her purse from wherever she had placed it and had taken it with her when she left the vehicle, it is likely that the *Holland* court would have held that her purse was entitled to the same protections as her person.

Nothing in the instant case distinguishes Ms. Easterday's purse from Newsom's purse and Gibson's wallet sufficiently to deny this purse the protections given to any receptacle of intimate personal items as discussed in the cases above. This court should therefore find that Officer Gorrell impermissibly demanded to search Ms. Easterday's purse and should suppress any evidence found therein.

V. CONCLUSION

Officer Gorrell lacked legal justification to search Ms. Easterday's purse. This Court should therefore suppress all evidence and statements as illegally obtained.

A hearing is requested.

Dated this 15th day of September, 2013

A handwritten signature in black ink, appearing to read 'Robin M. Ambrose', written over a horizontal line.

Robin M. Ambrose, Deputy Public Defender

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Motion to Suppress and Memorandum in Support was delivered to the following on the 11 day of

September, 2013:

☒ Peter Hatch
Twin Falls County Prosecuting Attorney

☒ Court Folder

Kyle Howard
Legal Assistant

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED
CHANGE OF ADDRESS FORM

DATE 8/12/13 2013 SEP 19 PM 3:00
BY bn CASE # CR13-7372
EFFECTIVE 8/31/13 ASHLI EASTERDAY CLERK
(DATE) (NAME) HAS

REGISTERED A CHANGE OF ADDRESS WITH THE MAGISTRATE

PROBATION DEPT. ADDRESS: 4576 N. 900 E
PHONE: 421-3662 | Buhl ID 83316.
Its turned on

ASHLI EASTERDAY
PROBATIONER

DORNA TRUJILLO
PROBATION OFFICER



My phone is now turned on and
the address I wrote down is my
Mother's. I'm not living there yet
but will be at end of the month
cuz my house is being foreclosed on.

Thank you.

OCT 25 2013

By [Signature] Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DISTRICT DIVISION

COURT MINUTES

CR-2013-0007372

State of Idaho vs. Ashli Marie Easterday (Present) NotPresent)

Hearing type: Motion to Suppress

Hearing date: 10/25/2013

Time: 01:31 PM

Courtroom: 2

Judge: Randy J. Stoker

Court reporter: Tracy Barksdale

Minutes Clerk: Angela Aguirre

Defense Attorney: Ambruse

Prosecutor: Hatch

(207) Mr Hatch indicated to submit and take judicial notice
of transcript and probable cause. (208) Court took judicial
notice. (208) Mr Hatch presented argument.
(212) Ms Ambruse responded. (224) Mr Hatch
presented rebuttal argument. (230) Ms Ambruse
responded further. (234) Mr Hatch presented
additional argument. (235) Court ~~go~~ took case
~~the~~ under advisement. (235) Court recessed.

OCT 31 2013

By _____ 10:00 AM
Clerk

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff,

vs.

ASHLI MARIE EASTERDAY,

Defendant.

Case No. CR 2013-7372

MEMORANDUM OPINION

Peter Hatch for Plaintiff State.

Robin Ambrose for Defendant Easterday.

FACTS

The facts in this case are undisputed. Easterday borrowed her ex-boyfriend's car. Her ex-boyfriend desired to have the car returned to him and contacted law enforcement officials. Officer Stacy Gorrell of the Twin Falls County Sherriff's Office observed the vehicle on July 3, 2013 and stopped it. Easterday was the driver and sole occupant. Easterday told Officer Gorrell that she wanted someone to come and get her. She remained in the vehicle as Gorrell returned to his patrol vehicle to check on her driving and warrant status. He called for a drug dog which arrived at the scene and

alerted on the vehicle following the deployment of the drug dog by its handler, Officer Jeremy Engbaum. During the deployment of the drug dog, Easterday remained in the car with her purse situated on the driver's seat next to her. At no point during the deployment of the drug dog was the purse situated on Easterday's lap. Gorrell instructed Easterday to exit the vehicle, and as she did so, she took her purse with her. Gorrell advised Easterday that he was going to search her purse. Easterday objected to the search and did not give her consent to the search. After some discussion, Gorrell searched the purse and discovered what he suspected to be methamphetamine and other paraphernalia.

Easterday timely filed a motion to suppress the evidence taken from her purse.

ANALYSIS AND DECISION

The sole issue in this case is whether Gorrell had the right to search the purse without a warrant. The State asserts that the "automobile exception" to the warrant requirement provides the legal basis to justify the search. Conversely, Easterday maintains that the purse was part of her person and that, although there were grounds to search the automobile, there were no grounds to search her, and hence, the contents of her purse which were part of her person.

The Fourth Amendment to the United States Constitution and Article I, § 17 of the Idaho Constitution prohibit unreasonable searches and seizures. Warrantless searches are presumed to be unreasonable unless they fall within one of several narrowly drawn exceptions. *State v. Gallegos*, 120 Idaho 894, 897, 821 P.2d 949, 952 (1991). One of those exceptions, the "automobile exception," allows police to search a vehicle without a warrant when there is probable cause to believe the vehicle contains

contraband or evidence of a crime. *State v. Buti*, 131 Idaho 793, 800, 964 P.2d 660, 667 (1998). Probable cause is established when the totality of the circumstances known to the officer at the time of the search would give rise to a fair probability that contraband or evidence of a crime will be found in a particular place. *State v. Josephson*, 123 Idaho 790, 792–93, 852 P.2d 1387, 1389–90 (1993). Probable cause is a “flexible, common-sense standard,” and a “‘practical, nontechnical’ probability that incriminating evidence is present is all that is required.” *Texas v. Brown*, 460 U.S. 730, 742 (1983) (citing *Brinegar v. United States*, 338 U.S. 160, 176 (1949)).

A reliable drug dog's alert on the exterior of a vehicle is sufficient, in and of itself, to establish probable cause for a warrantless search of the interior. *State v. Tucker*, 132 Idaho 841, 843, 979 P.2d 1199, 1201 (1999). The United States Supreme Court has held that probable cause to believe a vehicle contains evidence of criminal activity “authorizes a search of any area of the vehicle in which the evidence might be found.” *Arizona v. Gant*, 556 U.S. 332, 347 (2009) (citing *United States v. Ross*, 456 U.S. 798, 820–21 (1982)). Indeed, that Court has long held that “[i]f probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search.” *United States v. Ross*, 456 U.S. 798, 825 (1982). Our Supreme Court has likewise recognized these principles. *Gallegos*, 120 Idaho 894, 821 P.2d 949; *State v. Gibson*, 141 Idaho 277, 281, 108 P.3d 424, 428 (Ct. App. 2005) (“Under the automobile exception, police may search an automobile and the containers within it when they have probable cause to believe that the automobile contains contraband or evidence of a crime.”). That principle has specifically been extended to passenger belongings. *Wyoming v. Houghton*, 526

U.S. 295, 307 (1999) ("We hold that police officers with probable cause to search a car may inspect passengers' belongings found in the car that are capable of concealing the object of the search."); *Gibson*, 141 Idaho 277, 108 P.3d 424.

Despite the automobile exception to the warrant requirement, however, "personal searches of vehicle occupants are not authorized under the [this] exception as a result of the occupant's mere presence within a vehicle which there is probable cause to search. *Id.* at 282, 429. Moreover, the "the mere existence of the drug in an automobile does not of itself authorize the police either to search any other place or provide probable cause to arrest any person in the vicinity." *Id.* at 283, 430.¹ The State concedes that there was no basis upon which to search Easterday herself prior to her eventual arrest based upon the contents of her purse. Thus, the issue to be decided in this case involves whether the search of Easterday's purse, under the circumstances of this case, equates to an unlawful personal search of her person.

It is perhaps important to state at the outset what this case does **not** involve. The State does not attempt to justify the warrantless search of the purse based upon the search incident to arrest doctrine. Indeed, the State concedes that there were no independent grounds to search Easterday's property aside from the dog alert. The canine alert was on the automobile, not on Easterday. There was no basis to arrest Easterday for any crime prior to the search of her purse. Accordingly, the search incident to arrest doctrine is not applicable to this case.

¹ This language is taken from *United States v. Humphries*, 372 F.3d 653, 659 (4th Cir. 2004) and could easily be read out of context to mean that the police cannot search containers in the vehicle, contrary to the holdings in *Ross*, 465 U.S. 798 and *Houghton*, 526 U.S. 295. A careful reading of *Gibson*, however, makes clear that our Court, in citing to *Humphries*, was clarifying that a dog alert on an automobile does not, in and of itself, provide a basis to arrest (and hence search) persons in the automobile. Rather, there must be other factors that would justify the arrest or search of the occupants themselves. See *Gibson*, 141 Idaho at 283, 108 P.3d at 430.

The U.S. Supreme Court has cautioned that the right to search containers within an automobile, arising from the right to search the automobile itself, does not depend upon the nature of the container at issue. As the *Ross* Court stated:

This rule applies equally to all containers, as indeed we believe it must. One point on which the Court was in virtually unanimous agreement in *Robbins* [*v. California*, 453 U.S. 420 (1981)] was that a constitutional distinction between "worthy" and "unworthy" containers would be improper. Even though such a distinction perhaps could evolve in a series of cases in which paper bags, locked trunks, lunch buckets, and orange crates were placed on one side of the line or the other, the central purpose of the Fourth Amendment forecloses such a distinction. For just as the most frail cottage in the kingdom is absolutely entitled to the same guarantees of privacy as the most majestic mansion, so also may a traveler who carries a toothbrush and a few articles of clothing in a paper bag or knotted scarf claim an equal right to conceal his possessions from official inspection as the sophisticated executive with the locked attaché case.

Ross, 456 U.S. at 822.

Nor does Fourth Amendment protection necessarily depend upon one's expectation of privacy:

If the distinction is based on the proposition that the Fourth Amendment protects only those containers that objectively manifest an individual's reasonable expectation of privacy, however, the propriety of a warrantless search necessarily would turn on much more than the fabric of the container. A paper bag stapled shut and marked "private" might be found to manifest a reasonable expectation of privacy, as could a cardboard box stacked on top of two pieces of heavy luggage. The propriety of the warrantless search seemingly would turn on an objective appraisal of all the surrounding circumstances.

Id. n. 30.

Finally, it does not appear, as *Easterday* seems to suggest, that a defendant's general right of control over a particular container should determine the scope of a police officer's search. All containers within an automobile are arguably within the control of either a driver or a passenger. This Court has found no cases that focus on a

right of control as the proper determinant for the question posed in this case. Indeed, if the **right** of control were the determinant factor in the analysis of the lawfulness of a search, the right to search containers under the automobile exception would be totally emasculated. However, as will be discussed, a citizen's **actual** control of an item of personal property is a factor that both our courts and other states' courts have examined.

The argument that a purse is "part of the person," and hence entitled to the same privacy protection as a person, is supported by Justice Breyer's concurring opinion in *Houghton*, 526 U.S. 295, wherein he stated:

I join the Court's opinion with the understanding that history is meant to inform, but not automatically to determine, the answer to a Fourth Amendment question. [*Id.* at 299]. I also agree with the Court that when a police officer has probable cause to search a car, say, for drugs, it is reasonable for that officer also to search containers within the car. If the police must establish a container's ownership prior to the search of that container (whenever, for example, a passenger says "that's mine"), the resulting uncertainty will destroy the workability of the bright-line rule set forth in *United States v. Ross*, 456 U.S. 798.... At the same time, police officers with probable cause to search a car for drugs would often have probable cause to search containers regardless. Hence a bright-line rule will authorize only a limited number of searches that the law would not otherwise justify.

At the same time, I would point out certain limitations upon the scope of the bright-line rule that the Court describes. Obviously, the rule applies only to automobile searches. Equally obviously, the rule applies only to containers found within automobiles. And it does not extend to the search of a person found in that automobile. As the Court notes, and as *United States v. Di Re*, 332 U.S. 581...(1948), relied on heavily by Justice Stevens' dissent, makes clear, the search of a person, including even "a limited search of the outer clothing," [*Houghton*, 526 U.S. at 303] (quoting *Terry v. Ohio*, 392 U.S. 1...(1968)), is a very different matter in respect to which the law provides "significantly heightened protection." [*Id.*]; cf. *Ybarra v. Illinois*, 444 U.S. 85, 91...(1979); *Sibron v. New York*, 392 U.S. 40, 62-64...(1968).

Less obviously, but in my view also important, is the fact that the container here at issue, a woman's purse, was found at a considerable distance from its owner, who did not claim ownership until the officer discovered her identification while looking through it. Purses are special containers. They are repositories of especially personal items that people generally like to keep with them at all times. So I am tempted to say that a search of a purse involves an intrusion so similar to a search of one's person that the same rule should govern both. However, given this Court's prior cases, I cannot argue that the fact that the container was a purse *automatically* makes a legal difference, for the Court has warned against trying to make that kind of distinction....*Ross*, 456 U.S. at 822. But I can say that it would matter if a woman's purse, like a man's billfold, were attached to her person. It might then amount to a kind of "outer clothing," *Terry*[, 392 U.S. at] 24, which under the Court's cases would properly receive increased protection. See [*Houghton*, 526 U.S. at 311] (Stevens, J., dissenting) (quoting...*Di Re*, [332 U.S.] at 587. In this case, the purse was separate from the person, and no one has claimed that, under those circumstances, the type of container makes a difference. For that reason, I join the Court's opinion.

Houghton, 526 U.S. at 307-308.

Idaho case law does not provide a ready answer to the question alluded to by Justice Breyer and presently before the Court. The cases described below are informative, but not conclusive. *State v. Newsom*, 132 Idaho 698, 979 P.2d 100 (1998) provided that a police officer cannot create a right to search by forcing the occupant of a car to leave a purse in the vehicle, thereby attempting to create a lawful container search under the automobile exception. *State v. Holland*, 135 Idaho 159, 15 P.3d 1167 (2000), although factually similar, does not answer the question posed in the instant case because in *Holland*, the defendant voluntarily left her purse in the car. Moreover, the Idaho Supreme Court resolved that case through the application of the search incident to arrest doctrine,² and, as previously stated, that doctrine is inapplicable to the facts at hand. In *State v. Roe*, 140 Idaho 176, 90 P.3d 926 (Ct. App. 2004) the Idaho

² In addition to the inapplicability of the analysis in *Holland* to the instant case, this Court also notes that the Idaho Supreme Court's analysis in that case is now suspect pursuant to the U.S. Supreme Court's holding in *Arizona v. Gant*, 556 U.S. 332 (2009).

Court of Appeals recognized "that a purse and perhaps a billfold are items that can be considered part of the person, much like the clothing a person is wearing. On the other hand, under the facts of this case, a pair of shorts not being worn at the time and which are not ordinarily carried with a person is more akin to a container found inside a vehicle. We conclude that a passenger cannot upon being asked to exit a vehicle, extract various containers from the vehicle to avoid search of the containers." *Id.* at 183, 933.³ In *State v. Watts*, 142 Idaho 230, 127 P.3d 133 (2005), Watts, a passenger, left her purse on the floor of the vehicle. Finding that the police had not directed Watts to leave the purse in the car, the Court found that the search of the purse incident to arrest was proper. Finally, in *Gibson*, 141 Idaho 277, 108 P.3d 424, our Court recognized that a wallet found on a passenger at the time of search was entitled to the same Fourth Amendment protection as that passenger himself.

These Idaho cases, while factually similar to the instant case, do not directly answer the question of whether a purse is part of the person. In support of her argument that her purse was in fact part of her person, and therefore entitled to greater protection from unreasonable search than other containers in the vehicle, Easterday relies on *State v. Boyd*, 64 P.3d 419 (Kan. 2003). In that case, a passenger was ordered to leave her purse in the automobile **before** a police officer found probable cause to believe there were illegal drugs in the car. As Boyd left the vehicle, she reached for her purse to take it with her, but was told to leave it in the car. Following our Supreme Court's holding in *State v. Newsom*, 132 Idaho 698, 979 P.2d 100, the Kansas Supreme

³ In *Roe*, the defendant was a rear seat passenger who was directed to exit the vehicle. He carried a pair of blue jean shorts and was instructed to leave the shorts in the vehicle. He placed the shorts on the ground on the outside of the vehicle. The Court found that the officer did not exceed the scope of a permissible search incident to arrest and denied the suppression of the evidence found in the shorts.

Court held that "where a passenger is told by a police officer to get out of a lawfully stopped vehicle and in response to the officer's order to leave her purse in the vehicle, puts the purse down and exits the vehicle, a subsequent search of the purse as part of a search of the vehicle violates the passenger's Fourth Amendment right against unreasonable search and seizure." *Boyd*, 64 P.3d at 427. In reaching this conclusion, the Kansas Court noted that the officer "had no probable cause to believe illegal drugs were in the car when Boyd was told by the officer to get out of the car." *Id.* This latter fact materially distinguishes this case from the instant case.⁴

The Kansas Supreme Court later revisited this issue in *State v. Groshong*, 135 P.3d 1186 (Kan. 2006). In that case, the defendant, Groshong was removed from a vehicle by a police officer and left her purse inside that vehicle. Probable cause to search arose when the officer then observed what he suspected to be marijuana lying in plain view on the floor of the car. After being advised that the officer was going to search the vehicle, Groshong requested her purse from inside the vehicle. The Kansas Court held that because the defendant had not immediately asserted a privacy interest in the purse by taking or attempting to take it with her when she exited the vehicle, the purse would be treated the same as any other package or container in the vehicle that could hold or conceal the object of the search. In discussing *Houghton*, 526 U.S. 295, *Boyd*, 64 P.3d 419, and the Idaho cases of *Newsom*, 132 Idaho 698, 979 P.2d 100 and *Holland*, 135 Idaho 159, 15 P.3d 1167, the *Groshong* Court explained:

⁴ Interestingly, the *Boyd* Court noted that "[t]he State [of Kansas] conceded at oral argument that if Boyd would have been allowed to take her purse with her the officer could not have lawfully searched her or her purse." 64 P.3d at 427. This concession is equivalent to that made by the State of Idaho in this case because there was no independent basis to search Easterday or her property other than the canine alert. It can therefore be implied that, under appropriate circumstances, the State would concede that a purse **can** become part of the person such that it is entitled to greater protections from unreasonable search than other containers in a vehicle.

Groshong..., argues that the probable cause to search the car did not extend to her purse because the search of her purse was equivalent to searching her person and there was no probable cause to search her. Groshong relies on Justice Breyer's concurring opinion in *Houghton*, which recognized a potential distinction for purses as special containers that hold personal items people generally like to keep with them at all times. 526 U.S. at 308 (Breyer, J., concurring). Although there is mention that the search of a purse involves an intrusion similar to the search of a person's body, Justice Breyer declined to conclude that the search of a purse automatically made a legal difference. Nevertheless, Justice Breyer acknowledged that if a purse were attached to its owner, like a billfold in a man's pocket, it could be considered a type of "outer clothing" subject to increased protection. Because Houghton's purse was separate from her, Justice Breyer concluded that the officer properly searched Houghton's purse. [Id].

Relying on Justice Breyer's concurring opinion in *Houghton*, we recognized a heightened privacy interest in purses when they are attached to the owner. See *Boyd*... , 64 P. 3d 419. In *Boyd*, officers conducting surveillance on a residence for drug activity observed a vehicle in front of the residence during the early morning hours. The officers followed the vehicle and, when the driver failed to signal a turn, they stopped the vehicle. Boyd was a passenger. After the driver consented to a search of the car, one of the officers asked Boyd to exit. Boyd attempted to take her purse with her but was ordered to leave her purse inside the vehicle. Boyd refused to consent to the search of her purse. During the search of the vehicle, an officer found a crack pipe in the center console ashtray. The officer then searched Boyd's purse, which was sitting on the front floorboard, and found crack cocaine.

Groshong, 135 P.3d at 1189.

The *Groshong* Court then concluded:

We agree with the Florida and Idaho courts. Allowing the occupant of a vehicle to maintain possession of his or her purse upon exiting a vehicle is a limitation of the bright line rule set forth in *Ross* and *Houghton*. However, the limitation is clear, avoiding the *Houghton* Court's concerns that courts would have to consider such questions as "whether the officer should have believed a passenger's claim of ownership, whether he should have inferred ownership from various objective factors, whether he had probable cause to believe that the passenger was a confederate, or to believe that the driver might have introduced the contraband into the package with or without the passenger's knowledge." 526 U.S. at 305-06. We hold a law enforcement officer may search a passenger's purse left in the vehicle when the passenger exits, if the passenger makes no effort to retrieve the purse **before probable cause to search the vehicle**

develops. In such a case, the purse is treated the same as any other package or container in the vehicle that could hold or conceal the object of the search.

Groshong, 135 P.3d at 1191 (emphasis added).

Reading all of these cases together, this Court draws the following conclusions:

(1) a citizen in an automobile can have a privacy interest in a purse that trumps the container search rule enunciated in *Ross*; (2) in order to assert that privacy interest, a citizen must take some action such as voluntarily removing (or attempting to remove) the purse from the automobile when exiting; (3) the protections delineated in (1) and (2) only apply if: (a) there is no probable cause to search the purse before the citizen is removed from the car or (b) there is no independent basis to search the citizen (such as search incident to arrest or the presence of other factors as described in *Gibson*, 141 Idaho 277, 108 P.3d 424).

The critical issue in this case is whether Easterday had the requisite expectation of privacy at the time that probable cause to search the containers in the automobile she was driving was established. The bright line rule established in *Ross* makes clear that, in the instant case, there was probable cause to search all of containers present in the car that Easterday was driving, including her purse, unless Easterday could establish that any container was a part of her person. It is undisputed that Easterday did not have the purse on her person at the time the dog alerted on the automobile. Rather, this Court finds, based upon the record, that the purse was sitting on the seat beside Easterday at the time that probable cause was established. Unlike the facts in *Newsom*, the facts in the instant case make clear that at no point during the deployment of the drug dog did Easterday remove the purse from its position beside her and place it on her lap such that it became a part of her person, thereby entitling it to protection from

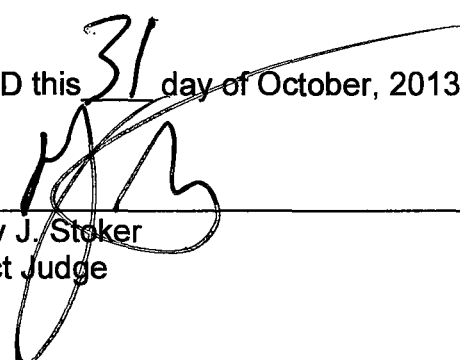
the right to search containers in a vehicle pursuant to *Ross*. There is simply no evidence in this case that Easterday attempted, in any way, to make the purse a part of her person **prior** to the time that probable cause to search was established. Instead, the purse only became a part of Easterday's person when she picked it up and took it with her as she exited the vehicle, and that occurred **after** the drug dog had alerted on the vehicle.

Just as an officer cannot create a right to search under *Ross* by directing a citizen to leave a purse in a vehicle (as in *Newsom*), a citizen cannot defeat that right to search by taking or attempting to remove personal property from an automobile and making it part of their person **after probable cause to search that personal property arises**. If Easterday had the purse on her person at the time of the alert by the drug dog, or if she removed the purse from the vehicle (as she actually did) **before** that alert, then her purse would have become part of her person and thereby protected from search under the Fourth Amendment (absent the discovery of other evidence justifying an independent basis for such a search). Accordingly, Officer Gorrell's search of Easterday's purse was not an unconstitutional search.

CONCLUSION

For the reasons stated herein, Easterday's Motion to Suppress is DENIED.

DATED this 31 day of October, 2013.



Randy J. Stoker
District Judge

CERTIFICATE OF SERVICE


I hereby certify that on the 31 day of October 2013, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Peter Hatch, Deputy
Twin Falls County Prosecuting Attorney
P.O. Box 126
Twin Falls, ID 83303

() U.S. Mail
() Hand delivered
() Faxed
(☒) Court Folder

Robin Ambrose, Deputy
Twin Falls County Public Defender
P.O. Box 126
Twin Falls, ID 83303

() U.S. Mail
() Hand delivered
() Faxed
(☒) Court Folder


Clerk



TWIN FALLS COUNTY
PROSECUTING ATTORNEY

GRANT P. LOEBS

425 SHOSHONE STREET NORTH
P.O. Box 126
TWIN FALLS, IDAHO 83303-0126

OFFER--PLEA AGREEMENT

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 12 2013

By [Signature] 4:30 PM
Clerk
Deputy Clerk

Defendant: Ashli Easterday
Defense Attorney: Robin Ambrose
Date of Offer: 11/4/2013

Case Number: CR 2013-7372

OFFER EXPIRES: 11/12/2013

Filed Charges

Count 1: Possession of a Schedule II Controlled Substance (Methamphetamine)

Offer The State makes the following offer and the defendant agrees to the following terms:

- ☒ The defendant will plead guilty to the charge.
- ☒ * Jail/Prison terms: The parties will stipulate to a sentence of 2 years fixed plus 3 years indeterminate for a total of 5 years to be suspended for a 3 year supervised probation..
- ☒ * Fine: In the court's discretion.
- ☒ Terms of Probation: Each party is free to argue terms of probation.
- ☒ Community Service: per statute.
- ☒ Pay restitution to "law enforcement agencies" as outlined in I.C. § 37-2732 (k) and/or § 18-8003(2).
- ☒ Pay costs associated with extraditing the defendant to Twin Falls County during the pendency of this case.
- ☒ Notwithstanding the right against self-incrimination and any rights under *State v. Estrada*, the defendant agrees to cooperate in a full disclosure substance abuse evaluation prior to sentencing and to cooperate with the presentence investigation. Any evaluation ordered or considered by the Court must be performed by an evaluator approved by both parties.
- ☒ The defendant stipulates to the admission of blood, urine, or breath test results at any probation hearing in lieu of live testimony. If the defendant's probation is transferred out of the 5th Judicial District, the defendant stipulates to the admission of reports, written statements, and affidavits at future probation violation hearings without live testimony.
- ☒ Special Terms: Defendant waives all appeals with the exception that the Defendant may appeal the Court's denial of the Defendant's Motion to Suppress.
- * On this term, the Defense may argue for whatever it feels is appropriate.
- ** Pursuant to Idaho law, the parties agree that the State is free to argue, and the Court is free to consider the facts of the dismissed case(s) and/or unfilled charge(s) in aggravation at sentencing

Terms of Offer

- This offer is contingent upon the defendant waiving preliminary hearing on all filed charges.
- This offer is contingent upon the defendant providing to the State a completed *Guilty Plea Advisory Form* at the entry of plea hearing. Said form will be retained by the State and may be used by the State for any purpose consistent with the Idaho Rules of Evidence.
- The State may alter the above sentencing recommendation if:
 1. There are new criminal charges or probation/parole violation allegations filed against this defendant (including those offenses or allegations committed or discovered by the State before sentencing);
 2. The defendant has additional juvenile or adult convictions beyond those provided in discovery in the NCIC report, juvenile history, and driving record;
 3. The defendant fails to appear for any scheduled court hearing in this case or any other pending criminal case or fails to comply with any court order (including court compliance); or
 4. The defendant, after entering a guilty plea, moves to withdraw the guilty plea.
- By accepting this offer the defendant waives the right to: (1) file a Rule 35 Motion regarding the initial Judgment (except as to an illegal sentence) and (2) appeal any issues in this case, including all matters involving the plea or the sentence and any rulings made by the court, with the only exception as discussed in Special Terms.
- This offer is withdrawn if the defendant does not (1) accept it by the expiration date and (2) **plead guilty** pursuant to the offer at District Court Arraignment.
- This offer constitutes the entire agreement between the State and defendant concerning the disposition of the above criminal charge(s) and can only be modified in writing, signed by the State and the defendant.

[Signature]
Peter M. Hatch, Deputy Prosecuting Attorney

11/4/13
Date

I have read the offer, I understand it, and I accept the offer on the above-stated terms.

[Signature]
Defendant

11/12/13
Date

[Signature]
Defense Counsel

11/12/13
Date

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS NOV 12 2013

STATE OF IDAHO,

Plaintiff,

vs.

Ashti Easterday
Defendant.

CASE NO. CR 13-7372

By

ORIGINAL

Clerk

Deputy Clerk

X Guilty Plea Advisory Form

Guilty Plea Advisory Form Alford Plea

(Approved For Use in Twin Falls District Court)
(Revised as of March 2012)

STATEMENT OF CONSTITUTIONAL RIGHTS
(Please initial each response)

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you elect to have a trial, the state may not call you as a witness or ask you any questions. However, anything you do say can be used as evidence against you in court.

I understand that by pleading guilty I am **waiving** my right to remain silent before and during trial.
ae

2. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the judge for an attorney who will be paid by the county. You may be required to reimburse the county for the cost of this representation. ae

3. You are presumed to be innocent. You will be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am **waiving** my right to be presumed innocent. ae

4. You have the right to a speedy and public jury trial before twelve persons. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. You are not required to do so, however. The state must convince all of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am **waiving** my right to a speedy and public jury trial.
ae

5. You have the right to confront the witnesses testifying against you. This occurs during a jury trial. At trial, the state must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call witnesses of your choosing to testify on your behalf. If you do not have the funds to

ae

ORIGINAL

bring those witnesses to court, the state will pay the cost of bringing your witnesses to court and will compel their attendance by the use of the subpoena power of the court.

I understand that by pleading guilty I am waiving my right to confront the witnesses against me, and present witnesses and evidence in my defense. me

QUESTIONS REGARDING ABILITY TO ENTER PLEA

(Please answer every question. If you do not understand a question consult your attorney before answering.)

Please Circle and Initial One

1. Do you read and write the English language? YES me NO NA
If not, have you been provided with an interpreter to help you fill out this form? .. YES me NO NA
Do you want an Interpreter? YES me NO NA
2. What is your age? 30
3. What is your true and legal name? Ashli Marie Easterday
4. What was the highest grade of school you completed? 12th + some collage
If you did not complete high school, have you received either a general education diploma or high school equivalency diploma? YES me NO NA
5. Are you currently under the care of a mental health professional? YES me NO NA
6. Have you ever been diagnosed with a mental health disorder? YES me NO NA
If so, what was the diagnosis and when was it made? _____
7. Are you currently prescribed any medication? YES me NO NA
If so, have you taken your prescription medication during the past 48 hours? YES me NO NA
8. In the last 48 hours, have you taken any medications or drugs, or drank any alcoholic beverages which you believe affect your ability to make a reasoned and informed decision in this case? YES me NO NA
9. Are you under the influence of any alcohol, drugs, or other medication at this time? YES me NO NA
10. Do you claim that you are incapable of understanding or do not understand these proceedings? YES me NO NA
11. Is there anything going on in your life that affects your ability to enter a voluntary guilty plea? YES me NO NA
12. Do you claim that you are mentally incapable of understanding these proceedings or what it means to plead guilty to a crime? YES me NO NA

13. Are you having any difficulty in understanding what you are doing by filling out this form? YES NO
14. Is there any other reason that you cannot make a reasoned and informed decision in this case? YES NO

Plea Agreement

15. Is your guilty plea the result of a plea agreement? YES NO

If so, what are the terms of that plea agreement? (If available, a written plea agreement **must** be attached hereto as "Addendum 'A'")

Parties will stipulate to a sentence of 2 year, 3 indeterminate, suspended for a
3 year supervised probation. Defendant retains the right to appeal the court's denial
of her motion to suppress.

16. Have you read this plea agreement? YES NO
17. Do you understand this plea agreement? YES NO
18. Is there anything about this plea agreement that you don't understand? YES NO
19. There are two types of plea agreements. Please initial the one paragraph below which describes the type of plea agreement:
- a. I understand that my plea agreement is a **binding** plea agreement. This means that if the district court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty and proceed to a jury trial. _____
- b I understand that my plea agreement is a **non-binding** plea agreement. This means that the court is not bound by the agreement or any sentencing recommendations, and may impose any sentence authorized by law, up to the maximum sentence stated above. Because the court is not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. DE
20. Is this plea agreement acceptable to you? YES NO
21. Has your attorney told you that you must accept this plea agreement? YES NO
22. Has your attorney or anyone else forced or coerced you in any way into accepting this plea agreement? YES NO
23. Have any other promises been made to you which have influenced your decision to plead guilty? YES NO

24. Has anyone told you what your sentence will be? YES NONE

If so, what have you been promised? _____

25. Is this a conditional guilty plea in which you are reserving your right to appeal any pre-trial issues? YES NO

If so, what issue(s) are you reserving the right to appeal? (A copy of the written conditional plea must be attached.) Denial of Motion to Suppress

26. Have you waived your right to appeal your **judgment of conviction** as part of your plea agreement? YES NO

27. Have you waived your right to appeal your **sentence** as part of your plea agreement? YES NO

Under what conditions can you appeal your sentence? If not exceeds 2 years with probation

28. Do you understand that by pleading guilty you will waive (or give up) any **defenses**, both factual and legal, that you believe you may have in this case? YES NO

29. Do you understand that this includes waiver of any claimed violations of your **Constitutional rights**? YES NO

30. Do you understand that if you enter an **unconditional** guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including: 1) any **searches or seizures** that occurred in your case, 2) any issues concerning the method or manner of your **arrest**, and 3) any issues about any **statements** you may have made to law enforcement? YES NO

31. Do you understand that by pleading guilty, you give up the right to pursue any motions (including motions to suppress or dismiss) that otherwise could have been filed and pursued in your case? YES NO

32. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty? YES NO

33. Have you discussed the elements of the offense(s) for which you are charged with your attorney? YES NO

POTENTIAL SENTENCE

34. I am charged with the crime(s) of Possession of a Controlled Substance: Methamphetamine

The minimum and maximum jail sentence and fine including a "civil penalty" for each crime is

7yrs \$15,000

35. In this case the court will impose a "unified sentence" consisting of a fixed term (or portion) and an indeterminate term (or portion). If you are required to serve this sentence in the penitentiary you will not be eligible for parole until you have served the fixed portion and thereafter will be paroled only if the parole board so determines. Do you understand these principles?

YES ae NO ae

36. Do you understand that there are **other direct consequences** that arise from entry of a felony charge that are explained below.

YES ae NO ae

37. As a term of your plea agreement, are you pleading guilty to more than one crime?

YES ae NO ae

If so, do you understand that your sentences for each crime could be ordered to be served either **concurrently** (at the same time) or **consecutively** (one after the other)?

YES ae NO ae

38. Do you understand that if you plead guilty and you commit crimes in the future, this conviction would be considered in the future case and could cause a more severe penalty in the future case?

YES ae NO ae

ADDITIONAL DIRECT CONSEQUENCES OF A GUILTY PLEA

39. Are you currently on probation or parole?

YES ae NO ae

If so, do you understand that a plea of guilty in this case could be the basis of a violation of that **probation or parole (WHICH MEANS THAT ANY SUSPENDED SENTENCE COULD BE IMPOSED AND ANY PAROLE REVOKED)**?

YES ae NO ae

40. Are you aware that if you are not a **citizen** of the United States, the entry of a plea or making of factual admissions could: (1) result in your deportation or removal from the United States; (2) preclude you from obtaining legal status in the United States; or (3) prevent you from obtaining United States citizenship?

YES ae NO ae

41. Does the crime to which you will plead guilty require you to register as a **sex offender**? (I.C. § 18-8304)

YES ae NO ae

42. Are you aware that if you plead guilty you may be required to pay **restitution** in this case? (I.C. § 19-5304)

YES ae NO ae

43. Are you pleading guilty to a crime for which you may be required to pay the **costs of prosecution and investigation**? (I.C. § 37-2732(k)), (I.C.R. 33(d)(2))

YES ae NO ae

If so, have you and the state agreed upon the amount of this reimbursement? .. YES ae
If you have, what is the amount?

44. Have you agreed to pay restitution as a condition of your plea agreement?YES___ NO aa

If so, to whom and how much? _____

45. If the amount of restitution has not been agreed upon, do you understand that you cannot withdraw your guilty plea even if the restitution amount is determined to be higher than you thought it might be or should be?.....YES aa NO___

46. Is a **driver's license suspension** required as a result of a guilty plea in this case?YES___ NO aa

If so, for how long **must** your license be suspended? N/A

47. Is there a **mandatory license suspension** applicable to this case?YES___ NO aa

If so, do you understand that if there is a mandatory license suspension applicable to this case that you cannot under any circumstances have restricted privileges during this period of suspension?YES___ NO N/A

48. Is there a **discretionary license suspension** applicable to this case?YES___ NO aa

If so, do you understand that the decision to grant you restricted driving (IF ALLOWED BY LAW) privileges is up to the Judge?YES___ NO aa

49. Are you pleading guilty to a crime for which a mandatory domestic violence, substance abuse or psychosexual **evaluation** is required? (I.C. § 18-918(7)(a)), (I.C. § 18-8005(9)), or (I.C. § 18-8317).....YES aa NO___

50. Are you pleading guilty to a crime for which you will be required to submit a **DNA sample** and **Right Thumbprint** impression to the state? (I.C. § 19-5506)YES aa NO___

51. Are you pleading guilty to a crime for which the court could impose a **fine** for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307)YES___ NO aa

52. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose your right to **vote** in Idaho? (Id. Const. art.6, §3)YES aa NO___

53. Do you understand that if you plead guilty to a felony during the period of your sentence, you will lose your right to hold **public office** in Idaho? (Id. Const. art.6, §3)YES aa NO___

54. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose your right to perform **jury service** in Idaho? (Id. CONST. art. 6, § 3)YES aa NO___

55. Do you understand that if you plead guilty to a felony you will lose your right to purchase, possess, or carry **firearms**? (I.C. § 18-310)YES aa NO___

RELATIONSHIP WITH YOUR ATTORNEY

56. Have you had sufficient time to discuss your case with your attorney?YES aa NO___

57. Have you had adequate time to fill out this form? YES ae NO ____
58. Have you had adequate access to your attorney's assistance in filling out this form? YES ae NO ____
59. Have you told your attorney everything you know about your case? YES ae NO ____
60. Is there anything you have requested your attorney do that has not been done? . YES ____ NO ae

If yes, please explain. _____

61. Your attorney can obtain various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called "discovery." Have you reviewed the evidence provided to your attorney during discovery? YES ae NO ____

62. Are there any additional items you want to view before entering a guilty plea..... YES ae NO ae

If so, what? _____

63. Do you want your attorney to undertake further investigation of your case? YES ____ NO ae

64. Has your attorney properly or adequately investigated your case? YES ae NO ____

65. Have you told your attorney about any witnesses, including any who would show your innocence?..... YES ae NO ____

66. Have you and your attorney discussed any potential motions that you would like filed in your case? YES ae NO ____

67. Are there any motions or other requests for relief (including motions to suppress or dismiss) that you believe should still be filed in this case? YES ____ NO ae

If so, what motions or requests? _____

68. Do you understand that no one, including your attorney, can force you to plead guilty in this case? YES ae NO ____

69. Are you satisfied with your attorney's representation? YES OR NO OR

If not, please state why you are dissatisfied _____

70. Has your attorney made any promises or commitments about what your sentence would be?

..... YES OR NO OR

ENTRY OF PLEA

71. Are the answers throughout this form your own answers? YES OR NO OR

72. Are you entering your plea freely and voluntarily? YES OR NO OR

73. Do you understand the consequences of entering a guilty plea? YES OR NO OR

74. Why are you pleading guilty to the charge(s) in this case? Will answer on record

75. Are you pleading guilty just to get out of jail? YES OR NO OR

76. Do you understand that even if the state agrees to release you from jail pending sentencing that the court may decide not to release you? YES OR NO OR

77. Are you pleading guilty "just to get this over with"? YES OR NO OR

78. Have you read all of the charges in the information or indictment filed against you? YES OR NO OR

79. Are you admitting to all of the elements of the crime(s) to which you are pleading guilty? YES OR NO OR

80. Are you pleading guilty because you did commit the acts alleged in the information or indictment? YES OR NO OR

81. Or are you pleading guilty because you are entering an Alford Plea? YES OR NO OR

82. Explain what you did that makes you guilty of the charges against you. (NON ALFORD PLEA)

Will answer on record

83. If you are entering an Alford Plea, do you understand that the court will consider you just as guilty as if you enter a non-Alford Plea? YES NO NA

84. Have you had any trouble answering any of the questions in this form which you could not resolve by discussing the issue(s) with your attorney? YES NO NA

If so, what? _____

85. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? YES NO NA

86. Do you need any additional time before you enter your guilty plea(s)? YES NO NA

87. Do you understand that if the Court accepts your guilty plea(s) that you may not be able to withdraw your plea(s) at a later date? YES NO NA

88. Is there any other matter not covered by your answers to the foregoing questions that affects your decision to plead guilty that you want to tell the Court about? YES NO NA

If so, what? _____

89. I hereby enter a plea of Guilty to the Charge(s) of: possession of a controlled substance (methamphetamine)

I have answered the questions on pages 1-10 of this Guilty Plea Advisory form truthfully, understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily **WITH A COMPLETE UNDERSTANDING OF THE CHARGE(S) TO WHICH I AM PLEADING GUILTY AND WITH KNOWLEDGE OF THE POTENTIAL CONSEQUENCES OF THIS PLEA.** Furthermore, no one has forced me or threatened me to plead guilty.

Dated this 5th day of November, 2013

Ami Easterday
DEFENDANT

I hereby acknowledge that I have discussed in detail the foregoing questions and answers with my client.

[Signature]
DEFENDANT'S ATTORNEY

POST PLEA RIGHTS

A presentence investigation will be ordered by the Court unless both you and the State waive that report and the Court approves that waiver. The Court may order evaluations as part of this investigation **AND THESE REPORTS WILL BE USED TO DETERMINE YOUR SENTENCE.** You have the right to remain silent during all proceedings and interviews from now until sentencing WHICH INCLUDES THE PRESENTENCE INVESTIGATION AND ANY COURT ORDERED EVALUATIONS.

The information in the presentence interview and any evaluations (which will include any statements you make in these processes) will be used by the Court in determining your sentence. In particular if you are ordered to undergo a psychosexual evaluation (which can include a polygraph examination), a domestic violence evaluation, a substance abuse evaluation or a mental health examination (which can include a psychological or psychiatric examination) you will be asked extensive questions and your answers to those questions may be used against you during sentencing.

1. Have you discussed the right to remain silent with your attorney? YES NO
2. Do you understand the nature of these rights? YES NO
3. Do you understand that you may waive these rights? YES NO
4. Have you waived any of these rights in your plea agreement? YES NO
5. Do you have any questions concerning either these rights or the waiver of these rights?
..... YES NO
6. Have you discussed with your attorney your rights regarding your attorney's attendance and
presence during the presentence investigation or these various evaluations? YES NO
7. Do you want the court to order any particular evaluations to assist the court in determining your
sentence in this case? YES NO
If yes, which evaluations and why. _____

I acknowledge the foregoing post plea rights.

Whit Easterday
Defendant

DATE 11/5/13

I acknowledge that I have discussed the post plea rights listed above with my client.

[Signature]
Defendant's Attorney

DATE 11/5/13

ORIGINAL OF THIS DOCUMENT TO IDOC

Assigned to: _____
Assigned: _____

Fifth Judicial District Court, State of Idaho
In and For the County of Twin Falls
ORDER FOR PRESENTENCE REPORT AND EVALUATIONS

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 12 2013

4:30 PM

STATE OF IDAHO
Plaintiff,
vs.

Case No: CR-2013-0007372
By [Signature] Deputy Clerk

ORDER FOR PRE - SENTENCE INVESTIGATION
REPORT

Ashli Marie Easterday
4576 N 900 E
Buhl, ID 83316

CHARGE(s):

137-2732(C)(1) Controlled Substance-Possession of

ROA : PSIO1- Order for Presentence Investigation Report

On this Tuesday, November 12, 2013, a **Pre-sentence Investigation Report** was ordered by the Honorable Randy J. Stoker to be completed for Court appearance on:

Monday, January 27, 2014 at: 01:30 PM at the above stated courthouse.

- ☐ Behavioral Health Assessments waived by the Court (PSIO1 ROA code)
☐ Waiver under IC 19-2524 2 (e) allowing assessment and treatment services by the same person or facility

Other non- §19-2524 evaluations/examinations ordered for use with the PSI:

☐ Sex Offender ☐ Domestic Violence ☐ Other _____ Evaluator: _____

PLEA AGREEMENT: State recommendation

WHJ/JOC ☐ Probation ☐ PD Reimb ☐ Fine ☐ ACJ ☐ Restitution ☐ Other: _____

DEFENSE COUNSEL: Marilyn Paul Ambrose

PROSECUTOR: Grant Loebs _____

THE DEFENDANT IS IN CUSTODY: ☐ YES ☒ NO If yes where: _____

DO YOU NEED AN INTERPRETER? ☐ NO ☐ YES if yes, what is the language? _____

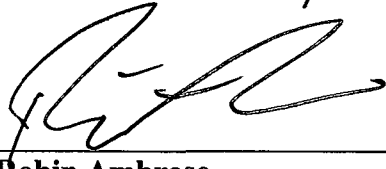
Date: 11/12/13 Signature: [Signature] Judge

By [Signature] Clerk
[Signature] Deputy Clerk

* * * * *

ORIGINAL

Dated this 5th day of November, 2013



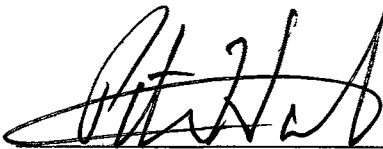
Robin Ambrose
Deputy Public Defender

Dated this 5 day of November, 2013



Ashli Easterday
Defendant

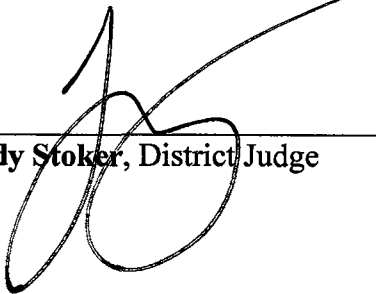
Dated this 6th day of Nov, 2013



Peter Hatch, Deputy Prosecuting Attorney

APPROVED:

Dated this 6th day of Nov, 2013



Randy Stoker, District Judge

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 12 2013

By [Signature] Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DISTRICT DIVISION

COURT MINUTES

CR-2013-0007372

State of Idaho vs. Ashli Marie Easterday (Present / NotPresent)

Hearing type: Pretrial Conference

Hearing date: 11/12/2013

Time: 04:00 PM

Courtroom: 2

Judge: Randy J. Stoker

Court reporter: Tracy Barksdale

Minutes Clerk: Angela Aguirre

Defense Attorney: Ambrose

Prosecutor: Hatch

(416) Plea/Offered Defendant was sworn and questioned by the Court. Defendant plead guilty to information. Court accepted plea. Sentencing Jan 27, 2014 @ 130pm. PSI ordered. Report to probation by 5pm tomorrow. (423)

November 13, 2013 8:12 AM

By *d* Clerk

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
427 Shoshone Street North
Twin Falls, Idaho 83301

STATE OF IDAHO,
Plaintiff.

vs. CASE NO: CR-2013-0007372

Ashli Marie Easterday
4576 N 900 E
Buhl, ID 83316
Defendant.

DOB: [REDACTED]
DL: [REDACTED]

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Sentencing Monday, January 27, 2014 01:30 PM
Judge: Honorable Randy J. Stoker

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Wednesday, November 13, 2013.

Alternate Judges: Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25(a)(6). Notice is given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bevan, Brody, Butler, Crabtree, Elgee, Hurlbutt, McDermott, Schroeder, Stoker, Wildman and Williamson.

Defendant: Ashli Marie Easterday Mailed _____ Hand Delivered _____

Private Counsel: Mailed _____ Box ☒
Marilyn Paul
P.O. Box 126
Twin Falls ID 83303-0126

Prosecutor: Grant Loebs
Mailed _____ Box ☒

Dated: Wednesday, November 13, 2013
Kristina Glascock --Clerk of the District Court

By: *Kristina Glascock*
Deputy Clerk

NOTICE OF HEARING

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2014 JAN -3 PM 1:41

BY _____ CLERK
SP _____ DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

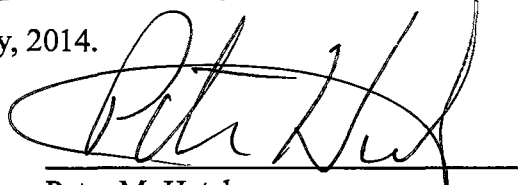
STATE OF IDAHO,)	Case No. CR 13-7372
)	
Plaintiff,)	
)	
vs.	)	SUPPLEMENTAL RESPONSE TO
	)	REQUEST FOR DISCOVERY
ASHLI MARIE EASTERDAY,)	
)	
Defendant.)	
_____)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Peter M. Hatch, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplements numbered D29 through D30.

The State reserves the right to supplement discovery as information becomes available.

DATED this 2 day of January, 2014.



Peter M. Hatch
Deputy Prosecuting Attorney

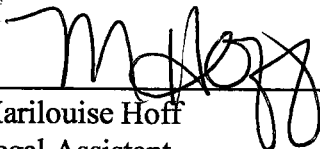
CERTIFICATE OF SERVICE

I hereby certify that on the 3 day of January, 2014, I served a copy of the foregoing
Supplemental Response to Request for Discovery and ☒ Unredacted copy of
Supplemental Discovery and/or ☐ Redacted copy of Supplemental Discovery thereof to the
following:

PUBLIC DEFENDER

☒
☐
☐

Court Folder
E-mail
U.S. Mail



Marilouise Hoff
Legal Assistant

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, Idaho 83303
Phone: (208)736-4020
Fax: (208)736-4120

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2014 JAN -3 PM 1:41

BY JP CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 13-7372
)	
Plaintiff,)	
	)	RESTITUTION REQUEST
vs.)	
)	
ASHLI MARIE EASTERDAY,)	
)	
Defendant.)	

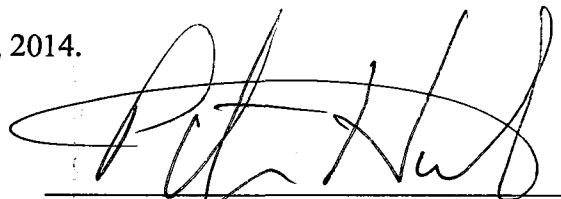
COMES NOW Peter M. Hatch, Deputy Prosecuting Attorney and submits the following Time Sheet for Restitution Pursuant to Idaho Code Section 37-2732(k). The Twin Falls Prosecuting Attorney's Office seeks restitution for attorney time in the above-entitled case as follows, at a rate of \$75.00 per hour:

Review and analyze charging request and make filing decision.	<u>.2</u>
Draft, review, revise, and file complaint.	<u>.3</u>
Attend first appearance.	<u>.2</u>
Conference re: appropriate offer to make to defense attorney and prepare offer.	<u>.4</u>
Prepare for preliminary hearing, review and analyze police reports, prepare discovery, conference w/ witnesses.	<u>1.3</u>

Preliminary hearing set for July 12, 2013. (Continued at Defendant's Request).	<u>.2</u>
Review and file Court Compliance Violation.	<u>.2</u>
First Appearance on CCP Violation held July 31, 2013.	<u>.2</u>
Preliminary hearing held August 2, 2013.	<u>.3</u>
Draft Information.	<u>.2</u>
Arraignment hearing held August 19, 2013.	<u>.2</u>
Review file and begin trial preparations.	<u>.2</u>
Review file and prepare for Motion to Suppress.	<u>.2</u>
Motion to Suppress hearing held October 25, 2013.	<u>.2</u>
Change of Plea hearing held November 12, 2013.	<u>.2</u>
Review Presentence Investigation Report.	<u>.5</u>
Sentencing set for January 27, 2014.	<u>.3</u>
Total time:	<u>5.3</u>
Total Restitution Request:	<u>\$397.50</u>

I, Peter M. Hatch, Deputy Prosecuting Attorney, for Twin Falls County hereby certify the above accurately reflects the time spent on this case.

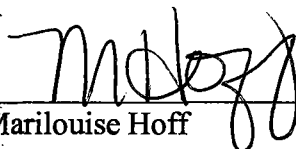
DATED this 2 day of January, 2014.



Peter M. Hatch
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 3 day of January, 2014, I served a copy of the foregoing **RESTITUTION REQUEST** thereof into the mail slot for **THE OFFICE OF PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Marilouise Hoff
Legal Assistant

**Twin Falls County
Court Compliance Progress Report**

2014 JAN 22 PM 12: 53

Date: January 22, 2014

CLERK

DEPUTY

**Name: ASHLI MARIE EASTERDAY
Case#: CR13-7372
Hearing Date: 01/27/2014
Judge: Randy J. Stoker
Prosecutor, Loebis
Defense Attorney, Marilyn Paul**

Time on program: 07/05/2013-07/25/2013 RE-ENROLLED 08/09/2013

Appointments missed: **No**
Scheduled U.A.'s missed: **Yes/No**
Drug/Alcohol Testing Violations: **Yes**
Electronic Monitoring / Curfew Violations: **No**
Court Compliance Program fees paid in full: **No**

Fees still owing \$ 145.00 this does not include any payments made prior to sentencing, and request the Defendant be ordered to reimburse Court Compliance said amount.

Comments: After reviewing the file the Defendant was not successful the first time while on the Court Compliance Program.

On 07/08/2013, the defendant enrolled on random drug testing with the Twin Falls County Treatment and Recovery Center (TARC). The Defendant tested positive for the use of methamphetamine during her random drug test with TARC on the following dates, 07/09/2013, 07/11/2013, and 07/17/2013. (See attached)

On 7/22/2013, the defendant tested positive for the use of marijuana during her random drug test with TARC.

On 07/25/2013, Officer Trujillo filed an affidavit with the Courts.

On 08/09/2013, the Defendant re-enrolled on the Court Compliance program.


The Defendant tested positive for the use of marijuana during her random drug test with TARC, on 8/22/2013. (Signed admission is attached)

The Defendant has made improvement since her last positive drug test. The Defendant has submitted to all required drug testing with TARC and has maintained her sobriety.

The Defendant has maintained gainful employment caring for an elderly in Filer, Idaho and babysits for her friends children as well.

The Defendant has maintained contact and kept all her appointments with the Court Compliance Probation officer.

The Defendant has made regular payments towards her Court Compliance fees.


NORMA TRUJILLO
PROBATION OFFICER

ORIGINAL

A. Easterday

Identification: TF04-00809

DOB:

Sex:

Collected by: BRB

Collected: 07/09/2013

Received: 07/10/2013 12:41 PM

Reported: 07/12/2013 2:31 PM

Account #: 17388

Requisition #: 907400

Accession #: 130710-07074

Specimen Type: Urine

Client: TARC CSC

233 Gooding Street N

Twin Falls, ID 83301

Phone: (208)736-5048

Fax: (208)733-6422

Initial Test Summary
* Amphetamine detected by GC/MS (1511 ng/mL)
* Methamphetamine detected by GC/MS (12017 ng/mL)

Tests Ordered
* 5845 - Amphetamines

Drug Tests

Drug	Result	Screen		Confirmation	
		Method	Cutoff	Method	Cutoff
Amphetamines					
Methylenedioxymethylamphetamine (MDEA)	Not detected			GC/MS	250 ng/mL
Amphetamine	DETECTED (1511 ng/mL)			GC/MS	250 ng/mL
Methamphetamine	DETECTED (12017 ng/mL)			GC/MS	250 ng/mL
Methylenedioxymphetamine (MDA)	Not detected			GC/MS	250 ng/mL
Methylenedioxymethamphetamine (MDMA)	Not detected			GC/MS	250 ng/mL

Comments:

Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.

Chief Toxicologist: Wayne Ross, M.C.L.S. / MT(AAB)

Method Index

EA - Enzyme Assay

EIA - Enzyme-Immunoassay

ELISA - Enzyme-Linked Immunosorbent Assay

RIA - Radio-Immunoassay

TLC - Thin Layer Chromatography

GC-FID - Gas Chromatography - Flame Ionization Detector

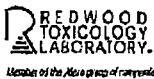
GC/MS - Gas Chromatography / Mass Spectrometry

LC/MS/MS - Liquid Chromatography Tandem Mass Spectrometry

Specimens are disposed of as follows: Negatives - after 2 days; Positives - after 6 months; Methadone Maintenance - after 2 months

ENTERED

NT



3650 Westwind Blvd., Santa Rosa, CA 95403
Phone: 707-577-7159 // 800-265-2169
Fax: 707-577-0365
www.redwoodtoxicology.com

A. Easterday

Laboratory Directors: Mark J. DeMeo, M.D.; Richard R. Wilber, M.D.
CLIA License # 050707588

Identification: TF04-00809

DOB:

Sex:

Collected by: BRB

Collected: 07/11/2013

Received: 07/12/2013 1:43 PM

Reported: 07/16/2013 2:31 PM

Account #: 17388

Requisition #: 907349

Accession #: 130712-08739

Specimen Type: Urine

Client: TARC CSC

233 Gooding Street N

Twin Falls, ID 83301

Phone: (208)736-5048

Fax: (208)733-5422

Final Result Summary

- Amphetamine detected by GC/MS (1131 ng/mL)
- Methamphetamine detected by GC/MS (3493 ng/mL)

Tests Ordered

- 5845 - Amphetamines

Drug Tests

Drug	Result	Screen		Confirmation	
		Method	Cutoff	Method	Cutoff
Amphetamines					
Methylenedioxymethylamphetamine (MDEA)	Not detected			GC/MS	250 ng/mL
Amphetamine	DETECTED (1131 ng/mL)			GC/MS	250 ng/mL
Methamphetamine	DETECTED (3493 ng/mL)			GC/MS	250 ng/mL
Methylenedioxyamphetamine (MDA)	Not detected			GC/MS	250 ng/mL
Methylenedioxymethamphetamine (MDMA)	Not detected			GC/MS	250 ng/mL

Comments:

Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.

Chief Toxicologist: Wayne Ross, M.C.L.S. / MT(AAB)

Method Index

EA - Enzyme Assay

EIA - Enzyme-Immunoassay

ELISA - Enzyme-Linked Immunosorbent Assay

RIA - Radio-Immunoassay

TLC - Thin Layer Chromatography

GC-FID - Gas Chromatography - Flame Ionization Detector

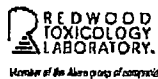
GC/MS - Gas Chromatography / Mass Spectrometry

LC/MS/MS - Liquid Chromatography Tandem Mass Spectrometry

Specimens are disposed of as follows: Negatives - after 2 days; Positives - after 6 months; Methadone Maintenance - after 2 months

ENTERED

NT



2050 Westwind Blvd., Suite 200, CA 95403
Phone: 707-577-7859 // 800-225-2159
Fax: 707-577-0365
www.redwoodtoxicology.com

Ashli Easterday

Laboratory Directors: Mark J. DeMeo, M.D.; Richard R. Wiber, M.D.
CLIA License # 0500707588

Identification: TF04-00809

DOB:

Account #: 17388

Client: TARC CSC

Sex:

Requisition #: 907113

233 Gooding Street N

Collected by: BEV BENNETT

Accession #: 130718-12785

Twin Falls, ID 83301

Collected: 07/17/2013

Specimen Type: Urine

Phone: (208)736-5048

Received: 07/18/2013 4:30 PM

Fax: (208)733-5422

Reported: 07/23/2013 4:58 PM

Final Result Summary
• Methamphetamine detected by GC/MS (906 ng/mL)

Test Ordered
• 5845 - Amphetamines

Drug Tests

Drug	Result	Screen		Confirmation	
		Method	Cutoff	Method	Cutoff
Amphetamines					
Methylenedioxyethylamphetamine (MDEA)	Not detected			GC/MS	250 ng/mL
Amphetamine	Not detected			GC/MS	250 ng/mL
Methamphetamine	DETECTED (906 ng/mL)			GC/MS	250 ng/mL
Methylenedioxyamphetamine (MDA)	Not detected			GC/MS	250 ng/mL
Methylenedioxymethamphetamine (MDMA)	Not detected			GC/MS	250 ng/mL

Comments:

Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.

Chief Toxicologist: Wayne Ross, M.C.L.S. / MT(AAB)

Method Index

EA - Enzyme Assay

TLC - Thin Layer Chromatography

EIA - Enzyme-Immunoassay

GC-FID - Gas Chromatography - Flame Ionization Detector

ELISA - Enzyme-Linked Immunosorbent Assay

GC/MS - Gas Chromatography / Mass Spectrometry

RIA - Radio-Immunoassay

LC/MS/MS - Liquid Chromatography Tandem Mass Spectrometry

Specimens are disposed of as follows: Negatives - after 2 days; Positives - after 6 months; Methadone Maintenance - after 2 months

ENTERED

NT

FIFTH JUDICIAL DISTRICT, MAGISTRATE DIVISION
TWIN FALLS COUNTY
MAGISTRATE PROBATION DEPARTMENT
162 6TH AVENUE N.
P.O. BOX 126 TWIN FALLS, ID. 83303- 0126
Phone: (208) 736-4230 FAX # (208) 736-4232

ADMISSION OF ALCOHOL/DRUG/SUBSTANCE USE

I Ashli Easterday, do hereby admit that I used

Marijuana on or about 8/21/13
Alcohol/drug/substance Date

I understand that signing this document may result in a violation of my probation by admitting to the use, consumption or possession of alcohol, illegal drugs, or substances, not legally prescribed to me by a licensed physician.

Please give an explanation of alcohol/drug/substance use below:

I used marijuana

Ashli Easterday
Signature of probationer

8/22/13
Date

Anna Injilla
Witness/Probation Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 22 day of January, 2014, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Defendant Ashli Easterday ☐ U.S. Mail
☐ Hand delivered
☐ Faxed

Defense Counsel PD ☐ U.S. Mail
☒ Hand delivered
☐ Faxed
☐ Court Folder

Prosecutor G. Loeb
F. Wonderlich ☐ U.S. Mail
☒ Hand delivered
☐ Faxed
☐ Court Folder

Magistrate Probation ☐ U.S. Mail
☒ Hand delivered
☐ Faxed
☐ Court Folder

Norma Trujillo
NORMA TRUJILLO
Probation Officer

ORIGINAL

JAN 27 2014

By _____ 1:30 PM
Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff,

VS.

Ashli Marie Easterday,

Defendant.

Case No. CR-2013-0007372

ORDER TO PAY COURT COMPLIANCE FEES

IT IS HEREBY ORDERED that the above-named Defendant pay Court Compliance Fees in the amount of \$ 145.00. This fee is to be paid at the Magistrate Probation office located at 245 3rd Ave. North in Twin Falls, Idaho 83301.

DATED This 9th day of January, 2014.

RANDY J. STOKER
District Judge

ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of January 2014, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Grant Loebs
Twin Falls County Prosecutor's Office
P.O. Box 126
Twin Falls, ID 83303-0126

☐ U.S. Mail ☐ Hand Delivered ☐ Faxed ☒ Court Folder

Marilyn Paul
Twin Falls Public Defender
P.O. Box 126
Twin Falls, ID PrimaryDefenseZip

☐ U.S. Mail ☐ Hand Delivered ☐ Faxed ☒ Court Folder

Probation and Parole – Dist. V
526 Washington St. S.
Twin Falls, Idaho 83301

☐ U.S. Mail ☐ Hand Delivered ☐ Faxed ☒ Court Folder

Court Compliance Office
P.O. Box 126
Twin Falls, Idaho 83303-0126

☐ U.S. Mail ☐ Hand Delivered ☐ Faxed ☒ Court Folder


Clerk

ORIGINAL

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 27 2014

By _____ 1:30 PM.
Clerk
Deputy Clerk

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

cc: D Jones

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	Case No. CR 13-7372
)	
Plaintiff,)	
)	
vs.	)	ORDER OF RESTITUTION
)	
ASHLI MARIE EASTERDAY,)	
)	
Defendant.)	
_____)	

IT IS HEREBY ORDERED that ASHLI MARIE EASTERDAY pay restitution totaling
\$744.75 to the victims/entities following this paragraph.

Idaho State Police Headquarters	\$100.00
Attn: Financial Services, MC	
700 South Stratford	
Meridian ID 83642	
 Twin Falls County Sheriff's Office	 \$146.50
PO Box 146	
Twin Falls, ID 83303-0146	

Twin Falls County Prosecuting Attorney \$397.50
PO Box 126
Twin Falls, ID 83303-0126

Twin Falls County General Fund \$100.75
P.O. Box 126
Twin Falls, ID 83303
(Fee for Transcript of Preliminary Hearing)

That such payments be *monitored* by said Probation Officer through the Probation and Parole Office, and *paid* to the Clerk of the Court, P.O. Box 126, Twin Falls, Idaho, 83303.

All restitution to be paid as ordered by the Court. If restitution is not paid in full by the date for termination of probation, said probation may be extended until restitution is paid in full.

Additionally, pursuant to Idaho Code § 19-5305, after forty-two (42) days from the entry of an Order of Restitution or at the conclusion of a hearing to reconsider an Order of Restitution, whichever occurs later, an Order of Restitution may be recorded as a judgment and the victim may execute as provided by law for civil judgments.

DATED this 27 day of June, 2014.



Randy J. Stoker
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of Jan, 2014, I served a copy of the foregoing **ORDER OF RESTITUTION** thereof to the following:

Peter M. Hatch
Deputy Prosecuting Attorney

☒ **Court Folder**

Public Defender
Attorney for Defendant

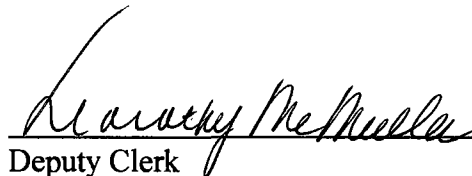
☒ **Court Folder**

Probation and Parole-District V

☒ **Court Folder**

Central Records
IDOC
PO Box 83720
Boise ID 83720-0018

☒ **U.S. Mail**


Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

JAN 27 2014

JUDGE STOKER
CLERK A. AGUIRRE
REPORTER TRACY BARKSDALE
COURTROOM 2

CASE # CR-2013-0007372

By [Signature] Clerk
DATE 1/27/2014
TIME 01:30 PM Deputy Clerk
CD 130

STATE OF IDAHO,
VS.

ASHLI MARIE EASTERDAY

[] DEFENDANT IN CUSTODY

CHARGES: Controlled Substance-Possession of

SENTENCING/REVIEW MINUTES

APPEARANCES:

[X] Defendant oc [X] Prosecutor Hatch
[X] Def. Counsel Ambrose [] Other _____

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

- [] Defendant is informed of the charges against him/her and all legal rights including the right to representation
[] Defendant is advised of the effect of a guilty plea and the maximum penalties
[] Defendant indicated that he/she understands rights and penalties
[] Waived reading of the "Information" [] Name verified [] Public Defender is confirmed/appointed

SENTENCE: ~~By~~ Court and Counsel reviewed the PSI ~~by~~ Counsel gave recommendations to the Court [] Withheld Jdmt

[X] Penitentiary 4 Determinate 2 Indeterminate 2
[] Credit for _____ days [] Concurrent _____ [] Consecutive _____
[] _____ days Retained Jurisdiction [] RJTR [] RJCAPP [] RJTC [] RJCAPS [] RJSO [] RJNR

FINES/FEES/COSTS: ~~By~~ Court Costs [] Fine [] Suspended _____
[X] Public Defender Fees 1000.00 [X] Court Compliance Fees 145.
[X] Restitution 744.95 [] Payment plan set up through P & P
[X] Payments to begin 4/1/14 at 75.00 per month Final payment due _____

PROBATION: ~~By~~ Probation Time 3yr [] Exhibit 1 submitted
Other Terms: [] _____ days county jail [] _____ days credit for county jail [] Work Release, if approved
[] _____ days county jail held in abeyance until review hearing on _____
[] _____ Random UAs per week for _____ days, then at PO's discretion [] _____ Hair Follicle tests per year
[] _____ AA/NA meetings in _____ days [] Obtain a Sponsor by _____
[] Report to 12 step Meeting/Aftercare within 24 hours [] Obtain all treatment pursuant to I.C. 19-2524
[] Follow Rec. in PSI [] Follow Rec. of Sub Abuse Assessment [] Follow Rec. of Mental Health Eval
[] No Assn w/ persons noted by P&P or with anyone if you don't know their last name. [] Provide a No Contact list
[] Do not purchase, possess or consume controlled substances/alcohol or be where they are present
[] Create a Budget [] No checking acct unless approved [] No indebtedness of \$250.00 or more unless approved
[] Apologize to Victim by _____ [] GED to be completed by _____
[] Driving privileges suspended _____ years [] _____ years ABSOLUTE [] Interlock device until _____
[X] 100 hrs Community Service within _____ days; _____ hrs to be served on County Work Detail by 10/31/14
[] Comply with all court orders [X] DNA Sample [X] Thumbprint [] Job Search
[] Transfer of Probation approved to \$100.00
[] Enroll with Probation and Parole within 5 days of returning to the U.S. or within 48 hours to the State of Idaho
[] Waiver of Fourth Amendment Rights [] Right to Appeal Waived due to Plea Agreement [X] Right to Appeal Given

Other: Ms Ambrose made corrections to PSI - Tax refunds to be applied to
balances. Report to probation by Spm (138)

JAN 28 2014

By _____ 10:00 AM
Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho,

Plaintiff,

vs.

Case No. CR-2013-7372

Ashli Marie Easterday

SSN [REDACTED]

DOB [REDACTED]

Defendant.

JUDGMENT OF CONVICTION
UPON A PLEA OF GUILTY TO ONE FELONY COUNT, SUSPENDING SENTENCE
AND ORDER PLACING DEFENDANT ON PROBATION, I.C. § 19-2601(2) and (5).

I. APPEARANCES.

1. The date of sentencing was 01/27/2014, (hereinafter called sentencing date).
2. The State of Idaho was represented by counsel, Peter Hatch, of the Twin Falls County Prosecutor's office.
3. The defendant, Ashli Marie Easterday, appeared personally. I.C. § 19-2503.
4. The defendant was represented by counsel, Robin Ambrose.
5. Randy J. Stoker, District Judge, presiding.

II. ARRAIGNMENT FOR SENTENCING; I.C. § 19-2510, I.C.R. 33.

1. **Arraignment:** The defendant, Ashli Marie Easterday, was informed by the Court at the time of the sentencing of the nature of charge and the defendant's plea, which in this case was:

Crime of: Possession of a Controlled Substance, to-wit: Methamphetamine, a felony.

Maximum Penalty: Court costs, restitution, 7 years imprisonment, \$15,000 fine, or both such fine and imprisonment, DNA sample and right thumbprint impression, and substance abuse treatment can be ordered at the defendant's expense.

Idaho Code Section(s): 37-2732(c)(1).

Guilty by Plea -- date of: 11/12/2013.

2. **Grounds for Not Entering Judgment (I.C. §§ 19-2510, 19-2511):** The Court inquired whether the defendant had any legal cause why judgment should not be pronounced against the defendant, and the defendant, through counsel, responded "No."

III. SENTENCING DATE PROCEEDINGS.

At sentencing, the Court proceeded as follows:

1. Determined that more than two (2) days had elapsed from the plea to the date of sentencing. I.C. § 19-2501, I.C.R. 33(a)(1).
2. Discussed the presentence report and relevant matters with the parties pursuant to I.C. § 20-220 and I.C.R. Rule 32.
3. Determined victim's rights and restitution issues pursuant to I.C. § 19-5301 and Article 1, § 22 of the Idaho Constitution.
4. Offered an aggravation and/or mitigation hearing to both parties, including the right to present evidence pursuant to I.C.R. 33(a)(1).
5. Heard comments and sentencing recommendations of both counsel and asked the defendant personally if the defendant wished to make a statement and/or to present any information in mitigation of punishment. I.C.R. 33(a)(1).
6. The Court made its comments pursuant to I.C. § 19-2512, and discussed one or more of the criteria set forth in I.C. § 19-2521.

IV. THE SENTENCE.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, as follows:

1. **Court Costs**: The defendant shall pay court costs, including contribution to the Victim's Crime Fund, in the sum of \$280.50.
2. **Restitution**: The defendant shall pay \$1,844.75 in restitution. This sum is payable through the Clerk of the District Court to be disbursed to the appropriate recipients. This sum consists of the following amounts:
 - A. **Restitution for Public Defender Services** pursuant to I.C. § 19-852 in the amount of \$1,000.00.
 - B. **State's Order of Restitution** submitted at sentencing in the amount of \$744.75.
 - C. **Restitution for DNA Sample** pursuant to I.C. § 19-5506(6) in the amount of \$100.00.

In addition, the defendant shall pay any restitution ordered by the Court in the future pursuant to an Order of Restitution.

3. **Other Fees and Costs**: The defendant shall pay \$145.00 in other fees and costs. This sum is payable directly to the Twin Falls Misdemeanor Probation Officer. This sum consists of the following amount:
 - A. **Court Compliance** as per Court order in the amount of \$145.00.

In addition, if the Court has previously ordered that the defendant submit to any testing or monitoring through the Twin Falls Misdemeanor Probation Office the defendant shall pay the fees associated therewith. The defendant shall also pay any unpaid presentence investigation preparation fee pursuant to I.C. § 19-2516.

4. **Penitentiary**: The defendant, Ashli Marie Easterday, shall be committed to the custody of the Idaho State Board of Correction, Boise, Idaho for a unified sentence (I.C. § 19-2513) of **4 years**; which unified sentence is comprised of a minimum (fixed) period of confinement of **2 years**, followed by an indeterminate period of custody of **2 years**, with the precise time of the indeterminate portion to be set by said Board according to law, with the total sentence not to exceed 4 years.
5. **Credit for Time Served**: The defendant is given credit for time previously served, if any, locally and with the Idaho Department of Corrections against the foregoing sentence, provided however that the defendant **SHALL NOT** be given credit for time served as a condition of probation. I.C. § 18-309.

6. **Sentence Suspended - Terms of Probation:** Provided however, that the execution of said prison portion of the sentence is hereby suspended (the costs and fine portion is not suspended) and the defendant is placed on probation for a period of **3 years** beginning on **01/27/2014** or until all financial obligations are paid, whichever is longer (I.C. § 20-222), to and under the control of the Idaho State Board of Correction, (I.C. § 19-2601(5), I.C. § 20-219, and I.C.R. 33(d)), subject to the following terms:
- A. **Supervision Level:** Pursuant to I.C. § 20-219, I.D.O.C. is charged with the duty of supervising all persons convicted of a felony and placed on probation. As such, the level of supervision is left to the discretion of I.D.O.C.
 - B. **General Conditions:** Abide by the Court Ordered General Conditions of Probation previously signed and attached hereto, which exhibit is by this reference incorporated herein.
 - C. **Special Terms and Conditions:** In addition, the Court orders the following special conditions:
 - a. **Time allowed for payment of court costs, fines and restitution:** The defendant must pay all court costs, fines, restitution, and other fees and costs. To that end, and beginning on the date of 04/01/2014, and continuing on the 1st day of each calendar month thereafter, the defendant shall make monthly payments to the clerk of the court in the sum of at least \$75.00, until all court costs, fines and restitution are paid in full. The foregoing notwithstanding, if the defendant receives any Federal or State tax refunds or an Earned Income Tax Credit during the period of probation, such refund(s) shall be applied to any outstanding financial obligations owing pursuant to this Judgment. Application of any such refund(s) shall not alter the payment schedule set forth in this Judgment. Further, nothing contained in this Judgment shall preclude the Clerk of the Court from turning this matter over for collection as authorized by law in the event that the defendant fails to timely make all scheduled payments. _____
 - b. **Community service drug case:** The defendant shall perform 100 hours of community service by 10/31/2014 at the direction of the defendant's probation officer. I.C. § 37-2738. _____
7. **DNA Sample and Thumbprint Impression:** The defendant shall submit a DNA sample and a right thumbprint impression pursuant to I.C. § 19-5506.
8. **Treatment Expense:** If the Court has ordered an Alcohol / Substance Abuse Evaluation and Treatment and/or a Mental Health Evaluation and Treatment pursuant to I.C. § 19-2524, the expenses of the assessments, examinations, and any treatment ordered by the court shall be borne by the department of health and welfare. I.C. § 19-2524(6).

9. Nothing contained in this judgment shall preclude a victim from independently enforcing an order of restitution.

V. SURETY BOND.

The conditions of bail given in this case having been satisfied, the bail is ordered exonerated. I.C.R. 46(g).

VI. ORDER ON PRESENTENCE INVESTIGATION REPORTS.

The parties are hereby ordered to return their respective copies of the presentence investigative reports to the deputy clerk of the court's custody and use of said report shall thereafter be governed by I.C.R. 32(h)(1), (2), and (3).

VII. ENTRY OF JUDGMENT - PROBATION - RECORD BY CLERK.

The Court orders the Judgment and record be entered upon the minutes and that the record be assembled, prepared and filed by the Clerk of the Court in accordance with I.C. § 19-2519(a).

VIII. RIGHT TO APPEAL - WAIVER.

The Right: The defendant waived certain appeal rights pursuant to the written plea agreement in this case. To the extent the defendant retains any appeal rights, the Court advised the defendant, of the right to appeal this judgment within forty two (42) days of the date it is file stamped by the clerk of the court. I.C.R. 33(a)(3), I.A.R. 14(a).

In Forma Pauperis: The Court further advised the defendant of the right of a person who is unable to pay the costs of an appeal to apply for leave to appeal in forma pauperis, meaning the right as an indigent to proceed without liability for court costs and fees and the right to be represented by a court appointed attorney at no cost to the defendant. I.C.R. 33(a)(3), I.C. § 19-852(a)(1) and (b)(2).

IX. TERMINATION OF PUBLIC DEFENDER APPOINTMENT.

The appointment of the Twin Falls County Public Defender, including conflict counsel, is terminated immediately if the defendant has waived the right to file an Appeal or Rule 35 Motion, or, in the event of no waiver, 120 days from the date of this Judgment if the defendant has not filed an Appeal, Rule 35, or post-trial Motion.

IT IS SO ORDERED.

Dated this 28th day of January 2014.

Randy J. Stoker
District Judge

State of Idaho,)
) ss.
County of Twin Falls)

I, Ashli Marie Easterday, being first duly sworn on oath, deposes and states that I reviewed Exhibit 1, General and Specific Conditions of Probation. That I have received a copy of this **JUDGMENT OF CONVICTION UPON A PLEA OF GUILTY TO ONE FELONY COUNT, SUSPENDING SENTENCE AND ORDER PLACING DEFENDANT ON PROBATION, I.C. § 19-2601(2) and (5)**, that I understand the terms of that probation, and I agree to abide by the conditions outlined in this order. I further certify that I have read and understand each term of probation.

Ashli Marie Easterday

Witnessing Probation Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of January 2014, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Peter Hatch
Twin Falls County Prosecuting Attorney
P.O. Box 126
Twin Falls, ID 83303

☐ U.S. Mail
☐ Hand delivered
☐ Faxed
☒ Court Folder

Robin Ambrose
Twin Falls County Public Defender
P.O. Box 126
Twin Falls, ID 83303

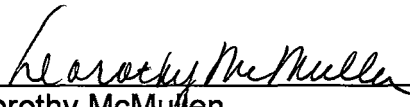
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☒ Court Folder

Idaho Department of Corrections
Community Corrections Division
Central Records Division
Twin Falls County Probation Office

☒ Email

Twin Falls County Jail

☒ Email



Dorothy McMullen
Deputy Clerk

GENERAL CONDITIONS OF PROBATION

(For use in Judge Bevan or Stoker cases effective April 1, 2012)

1. **Supervision Level:** Unless otherwise specified by the Court Defendant's level of supervision, including caseload type and electronic monitoring, shall be determined by the Idaho Department of Correction ("hereinafter IDOC").
AG
2. **Laws and Conduct:** Defendant shall obey all municipal, county, state and federal laws including those denominated infractions. The Defendant shall comply with all lawful requests of any agent of the IDOC. The Defendant shall be completely truthful at all times with any agent of the Idaho Department of Correction and with law enforcement personnel. During any contact with law enforcement personnel the Defendant shall provide Defendant's identity, notify the officer(s) that Defendant is under felony supervision and provide the name of Defendant's supervising officer. The Defendant shall notify Defendant's supervising officer of any such contact within 24 hours of its occurrence.
AG
3. **Reporting:** Defendant shall report to Defendant's supervising officer as directed by the probation office. The Defendant shall provide truthful and accurate information or documentation whenever requested by the IDOC.
AG
4. **Residence:** Unless otherwise specifically ordered by the Court IDOC shall determine and designate the residence of the Defendant. Defendant shall not change Defendant's approved place of residence without first obtaining written permission from Defendant's probation officer.
AG
5. **Cooperation with Supervision:** When home, the Defendant shall answer the door for the probation officer. The Defendant shall allow the probation officer to enter Defendant's residence, other real property, place of employment and vehicle for the purpose of visitation, inspections, searches and other supervision functions. The Defendant shall not possess, install or use any monitoring instrument, camera, or other surveillance device to observe or alert Defendant to the approach of Defendant's probation officer. The Defendant shall not keep any vicious or dangerous dog or other animal on or about Defendant's property that the probation officer perceives as an impediment to accessing the Defendant property.
AG
6. **Truthfulness:** Defendant waives Defendant's Fifth Amendment rights to the extent that the Defendant must be honest and truthful with probation officer regarding matters of compliance and non-compliance with the conditions of probation. The Defendant agrees to submit to polygraph examinations at Defendant's expense upon the request of Defendant's probation officer.
AG

7. **Absconding Supervision:** Defendant shall be available for supervision as instructed by Defendant's probation officer and will not actively avoid supervision.
8. **Travel:** Defendant shall not leave either the State of Idaho or Defendant's assigned judicial district without advance permission of Defendant's probation officer.
9. **Extradition:** If Defendant does leave the State of Idaho, with or without permission, the Defendant does hereby waive extradition to the State of Idaho and will not contest any effort to return the Defendant to the State of Idaho. The Defendant will pay for the cost of extradition.
10. **Intrastate/Interstate Violations:** If allowed to transfer supervision to another district or state, Defendant agrees to admit into evidence at any probation violation hearing any probation violation allegation documents submitted by the agency/officer supervising the Defendant in the receiving district or state. The Defendant waives the right to confront the author of such documents.
11. **Curfew:** Defendant will observe all curfew restrictions imposed by Defendant's supervising officer.
12. **Firearms/Weapons:** Defendant shall not purchase, carry, possess or have control of any firearms, chemical weapons, electronic weapons, explosives or other dangerous weapons. Other dangerous weapons may include, but are not limited to: knives with blades over two and one half inches in length, switchblade knives, brass knuckles, swords, throwing darts and other martial arts weapons. Any weapons or firearms seized from the Defendant will be forfeited to IDOC for disposal. The Defendant shall not reside in any location that contains firearms unless the firearms are secured and the IDOC District Manager approves that the Defendant may reside in that residence.
13. **Cost of Supervision:** Defendant shall comply with Idaho Code 20-225 which authorizes the IDOC to collect a cost of supervision fee. The Defendant shall pay supervision fees as directed by the department.
14. **Court Ordered Financial Obligations:** Defendant shall pay all costs, fees, fines, restitution and other Court ordered obligations before probation may be terminated. If the Court has not otherwise ordered a payment schedule for these financial obligations then these sums shall be paid as designated in a Payment Agreement which shall provide for minimum payments on a monthly basis to be completed with an agent of the IDOC. The payment plan shall be reviewed at least quarterly by the probation office. In addition to required monthly payments any monies received from inheritance, lottery winnings, federal or state tax refunds or similar "extraordinary" sources other than wages

shall be applied toward outstanding financial obligations. These financial obligations shall be paid monthly in at least the amount necessary to pay the financial obligations in full by the end of the probation period. Upon request, the Defendant shall provide Defendant's probation officer with records of any financial accounts in which the Defendant has an interest. In addition Defendant shall provide copies to IDOC of tax returns, credit reports or any other documentation that may reflect upon the Defendant's ability to pay these financial obligations. On

15. Evaluation and Program Plan: Defendant shall obtain any treatment evaluation deemed necessary as ordered by the Court or requested by any agent of IDOC. The Defendant shall meaningfully participate in and successfully complete any treatment, counseling or other programs deemed beneficial to the Defendant and as directed by the Court or any agent of the IDOC. The Defendant may be required to attend treatment, counseling or other programs at Defendant's own expense. On

16. Employment/Alternative Plan: Defendant shall seek and maintain gainful, verifiable, full-time employment. Defendant shall not accept employment, cause himself or herself to be terminated from employment or change employment without first obtaining written permission from Defendant's supervising officer. In lieu of full-time employment, the Defendant may participate in full-time education, a combination of employment and education, vocational program or other alternative plan based on the offender's specific situation and as approved by Defendant's supervising officer. On

17. Alcohol: Defendant shall not purchase, possess, or consume alcoholic beverages in any form. Defendant shall not enter any establishment such bars, taverns, clubs or similar facilities where alcohol is sold by the drink. Further, Defendant shall not associate with any individuals who are consuming or possessing alcohol. This latter restriction shall apply to associations such as parties, gatherings or the consumption of alcohol in restaurants or other eating establishments. On

18. Controlled Substances: Defendant shall not use or possess any illegal drug or any substance that simulates the effect of an illegal drug (such as but not limited to haze, spice, or other synthetic products) or any paraphernalia as defined under Idaho law. Nor shall Defendant use or possess any substance Defendant's probation officer forbids Defendant from having. The Defendant shall not use or possess any controlled substances unless lawfully prescribed for Defendant by a licensed physician or dentist. The Defendant shall use medications only in the manner prescribed by Defendant's physician or dentist. On

19. Substance Abuse Testing: The Defendant shall submit to any test for alcohol or controlled substances as defined above as requested and directed by any agent of IDOC or any law enforcement officer if that law enforcement officer

has a legal basis for requesting testing. The Defendant may be required to obtain tests at Defendant's own expense. If the results of the test(s) indicate an adulterant has been used to interfere with the results, that test will be deemed to affirmatively establish that the Defendant has used alcohol or a prohibited controlled substance.

20. **Stipulation to the admission of test results:** Should the Defendant be requested to submit to tests for alcohol or controlled substances, the Defendant shall stipulate to the admission of those blood, urine, or breath test results in the form of a certified affidavit at any probation hearing following a judicial determination that live testimonial evidence would otherwise be impractical. However, the Defendant, at the Defendant's own expense may have the lab analysis of the Defendant's blood, urine, or breath performed at an in-state approved lab of the Defendant's choosing upon notifying the official administering the test at the time the test is requested.

21. **Searches and Seizures:** As a term and condition of probation, and during the period in which Defendant is on probation, the Defendant does hereby consent to searches and seizures without a warrant by any agent of IDOC or any law enforcement officer of Defendant's person, residence, vehicle, personal property and any other real property or structures owned or leased by the Defendant or over which the Defendant has the right to exercise control. Defendant shall inform anyone Defendant lives with that the entire residence is subject to search and shall not reside with anyone who refuses to agree to such searches. Defendant agrees that such searches and seizures may be conducted at any time in the discretion those identified in this paragraph without the requirement that the searching person(s) has probable cause or a reasonable suspicion of criminal activity or a violation of probation to justify the search or seizure. Defendant agrees that the Defendant is not required to be present at the time of the search. Defendant does not have any right to revoke this consent to the searches or seizures as described herein. The Defendant hereby specifically waives any and all rights he or she may have regarding searches or seizures as provided by the Fourth Amendment to the U.S. Constitution and as provided in Article I, section 17 of the Idaho State Constitution. This consent to search and seize also includes those searches or seizures authorized and required by any other term and condition of probation set forth herein, such as those identified in the paragraphs labeled **Cooperation with Supervision and Substance Abuse Testing**

22. **Driving Privileges:** Defendant shall not operate a motor vehicle while Defendant's driving privileges are suspended, or without a valid driver's license and proper insurance as required by State law.

23. **Confidential Informant:** The Defendant shall not act as a confidential informant for law enforcement, except as allowed by IDOC policy and with the consent of both the Court and IDOC. Au

24. **Associations:** The Defendant shall not associate with any person(s) designated by any agent of IDOC. Au

25. **Discretionary county jail time to be served in the future:** Upon certification that the Defendant has failed to follow the conditions of probation and upon recommendation of the Defendant's probation officer that a jail sanction is warranted as an appropriate sanction in lieu of a formal probation violation, the Defendant may be required to serve not more than 30 days in the county jail as a condition of probation at the discretion of the Defendant's probation officer with the advance approval of the Court. An application requesting jail time shall be submitted to the Court and may be submitted *ex parte* without notice to the Defendant, Defendant's counsel, or the State and without necessity for a hearing. Upon consideration the Court may authorize imposition of county jail time, with or without work release privileges and shall specify the dates of such jail time. The Defendant may request a hearing before the Court after imposition of discretionary jail time, but the Defendant shall not be released from custody while serving discretionary jail time without an order of the Court. Defendant shall not be entitled to any credit against this discretionary jail time for time previously spent in jail because discretionary jail time is a condition of probation. Au

26. **Additional Rules:** Defendant agrees that other reasonable supervision rules may be imposed on Defendant by IDOC. All additional rules will be explained to the Defendant and provided to Defendant, in writing, by an agent of IDOC.

Au

I have read, or have had read to me, and have initialed, the above general conditions of probation. I understand and accept these conditions of supervision. I agree to abide by and conform to them and understand that my failure to do so may result in revocation of my probation.

Ashli Easterday

Defendant Signature

Ashli Easterday

Name(printed)

Date 1/24/19

Witnessing Probation Officer's Signature

Witnessing Probation Officer's Name (printed)

Date _____

JAN 28 2014

By _____ 10:00 AM
Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho,

Plaintiff,

vs.

Case No. CR-2013-7372

Ashli Marie Easterday

SSN [REDACTED]

DOE [REDACTED]

Defendant.

JUDGMENT OF CONVICTION
UPON A PLEA OF GUILTY TO ONE FELONY COUNT, SUSPENDING SENTENCE
AND ORDER PLACING DEFENDANT ON PROBATION, I.C. § 19-2601(2) and (5).

I. APPEARANCES.

1. The date of sentencing was 01/27/2014, (hereinafter called sentencing date).
2. The State of Idaho was represented by counsel, Peter Hatch, of the Twin Falls County Prosecutor's office.
3. The defendant, Ashli Marie Easterday, appeared personally. I.C. § 19-2503.
4. The defendant was represented by counsel, Robin Ambrose.
5. Randy J. Stoker, District Judge, presiding.

II. ARRAIGNMENT FOR SENTENCING; I.C. § 19-2510, I.C.R. 33.

1. **Arraignment:** The defendant, Ashli Marie Easterday, was informed by the Court at the time of the sentencing of the nature of charge and the defendant's plea, which in this case was:

Crime of: Possession of a Controlled Substance, to-wit: Methamphetamine, a felony.

Maximum Penalty: Court costs, restitution, 7 years imprisonment, \$15,000 fine, or both such fine and imprisonment, DNA sample and right thumbprint impression, and substance abuse treatment can be ordered at the defendant's expense.

Idaho Code Section(s): 37-2732(c)(1).

Guilty by Plea – date of: 11/12/2013.

2. **Grounds for Not Entering Judgment (I.C. §§ 19-2510, 19-2511):** The Court inquired whether the defendant had any legal cause why judgment should not be pronounced against the defendant, and the defendant, through counsel, responded "No."

III. SENTENCING DATE PROCEEDINGS.

At sentencing, the Court proceeded as follows:

1. Determined that more than two (2) days had elapsed from the plea to the date of sentencing. I.C. § 19-2501, I.C.R. 33(a)(1).
2. Discussed the presentence report and relevant matters with the parties pursuant to I.C. § 20-220 and I.C.R. Rule 32.
3. Determined victim's rights and restitution issues pursuant to I.C. § 19-5301 and Article 1, § 22 of the Idaho Constitution.
4. Offered an aggravation and/or mitigation hearing to both parties, including the right to present evidence pursuant to I.C.R. 33(a)(1).
5. Heard comments and sentencing recommendations of both counsel and asked the defendant personally if the defendant wished to make a statement and/or to present any information in mitigation of punishment. I.C.R. 33(a)(1).
6. The Court made its comments pursuant to I.C. § 19-2512, and discussed one or more of the criteria set forth in I.C. § 19-2521.

IV. THE SENTENCE.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, as follows:

1. **Court Costs**: The defendant shall pay court costs, including contribution to the Victim's Crime Fund, in the sum of \$280.50.
2. **Restitution**: The defendant shall pay \$1,844.75 in restitution. This sum is payable through the Clerk of the District Court to be disbursed to the appropriate recipients. This sum consists of the following amounts:
 - A. **Restitution for Public Defender Services** pursuant to I.C. § 19-852 in the amount of \$1,000.00.
 - B. **State's Order of Restitution** submitted at sentencing in the amount of \$744.75.
 - C. **Restitution for DNA Sample** pursuant to I.C. § 19-5506(6) in the amount of \$100.00.

In addition, the defendant shall pay any restitution ordered by the Court in the future pursuant to an Order of Restitution.

3. **Other Fees and Costs**: The defendant shall pay \$145.00 in other fees and costs. This sum is payable directly to the Twin Falls Misdemeanor Probation Officer. This sum consists of the following amount:
 - A. **Court Compliance** as per Court order in the amount of \$145.00.

In addition, if the Court has previously ordered that the defendant submit to any testing or monitoring through the Twin Falls Misdemeanor Probation Office the defendant shall pay the fees associated therewith. The defendant shall also pay any unpaid presentence investigation preparation fee pursuant to I.C. § 19-2516.

4. **Penitentiary**: The defendant, Ashli Marie Easterday, shall be committed to the custody of the Idaho State Board of Correction, Boise, Idaho for a unified sentence (I.C. § 19-2513) of **4 years**; which unified sentence is comprised of a minimum (fixed) period of confinement of **2 years**, followed by an indeterminate period of custody of **2 years**, with the precise time of the indeterminate portion to be set by said Board according to law, with the total sentence not to exceed 4 years.
5. **Credit for Time Served**: The defendant is given credit for time previously served, if any, locally and with the Idaho Department of Corrections against the foregoing sentence, provided however that the defendant SHALL NOT be given credit for time served as a condition of probation. I.C. § 18-309.

6. **Sentence Suspended - Terms of Probation:** Provided however, that the execution of said prison portion of the sentence is hereby suspended (the costs and fine portion is not suspended) and the defendant is placed on probation for a period of **3 years** beginning on **01/27/2014** or until all financial obligations are paid, whichever is longer (I.C. § 20-222), to and under the control of the Idaho State Board of Correction, (I.C. § 19-2601(5), I.C. § 20-219, and I.C.R. 33(d)), subject to the following terms:
- A. **Supervision Level:** Pursuant to I.C. § 20-219, I.D.O.C. is charged with the duty of supervising all persons convicted of a felony and placed on probation. As such, the level of supervision is left to the discretion of I.D.O.C.
- B. **General Conditions:** Abide by the Court Ordered General Conditions of Probation previously signed and attached hereto, which exhibit is by this reference incorporated herein.
- C. **Special Terms and Conditions:** In addition, the Court orders the following special conditions:
- a. **Time allowed for payment of court costs, fines and restitution:**
The defendant must pay all court costs, fines, restitution, and other fees and costs. To that end, and beginning on the date of 04/01/2014, and continuing on the 1st day of each calendar month thereafter, the defendant shall make monthly payments to the clerk of the court in the sum of at least \$75.00, until all court costs, fines and restitution are paid in full. The foregoing notwithstanding, if the defendant receives any Federal or State tax refunds or an Earned Income Tax Credit during the period of probation, such refund(s) shall be applied to any outstanding financial obligations owing pursuant to this Judgment. Application of any such refund(s) shall not alter the payment schedule set forth in this Judgment. Further, nothing contained in this Judgment shall preclude the Clerk of the Court from turning this matter over for collection as authorized by law in the event that the defendant fails to timely make all scheduled payments. AE
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9. Nothing contained in this judgment shall preclude a victim from independently enforcing an order of restitution.

V. SURETY BOND.

The conditions of bail given in this case having been satisfied, the bail is ordered exonerated. I.C.R. 46(g).

VI. ORDER ON PRESENTENCE INVESTIGATION REPORTS.

The parties are hereby ordered to return their respective copies of the presentence investigative reports to the deputy clerk of the court's custody and use of said report shall thereafter be governed by I.C.R. 32(h)(1), (2), and (3).

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The Court orders the Judgment and record be entered upon the minutes and that the record be assembled, prepared and filed by the Clerk of the Court in accordance with I.C. § 19-2519(a).

VIII. RIGHT TO APPEAL - WAIVER.

The Right: The defendant waived certain appeal rights pursuant to the written plea agreement in this case. To the extent the defendant retains any appeal rights, the Court advised the defendant, of the right to appeal this judgment within forty two (42) days of the date it is file stamped by the clerk of the court. I.C.R. 33(a)(3), I.A.R. 14(a).

In Forma Pauperis: The Court further advised the defendant of the right of a person who is unable to pay the costs of an appeal to apply for leave to appeal in forma pauperis, meaning the right as an indigent to proceed without liability for court costs and fees and the right to be represented by a court appointed attorney at no cost to the defendant. I.C.R. 33(a)(3), I.C. § 19-852(a)(1) and (b)(2).

IX. TERMINATION OF PUBLIC DEFENDER APPOINTMENT.

The appointment of the Twin Falls County Public Defender, including conflict counsel, is terminated immediately if the defendant has waived the right to file an Appeal or Rule 35 Motion, or, in the event of no waiver, 120 days from the date of this Judgment if the defendant has not filed an Appeal, Rule 35, or post-trial Motion.

IT IS SO ORDERED.

Dated this 28th day of January 2014.

Randy J. Stoker
District Judge

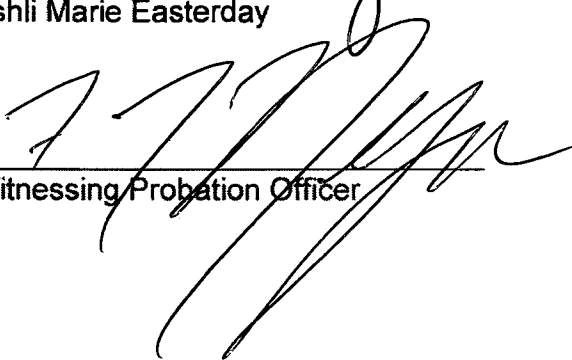
ACCEPTANCE OF PROBATION

State of Idaho,)
) ss.
County of Twin Falls)

I, Ashli Marie Easterday, being first duly sworn on oath, deposes and states that I reviewed Exhibit 1, General and Specific Conditions of Probation. That I have received a copy of this **JUDGMENT OF CONVICTION UPON A PLEA OF GUILTY TO ONE FELONY COUNT, SUSPENDING SENTENCE AND ORDER PLACING DEFENDANT ON PROBATION, I.C. § 19-2601(2) and (5)**, that I understand the terms of that probation, and I agree to abide by the conditions outlined in this order. I further certify that I have read and understand each term of probation.



Ashli Marie Easterday



Witnessing Probation Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of January 2014, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

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Twin Falls County Prosecuting Attorney
P.O. Box 126
Twin Falls, ID 83303

☐ U.S. Mail
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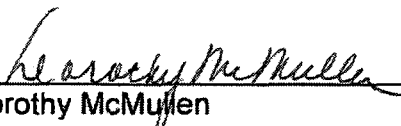
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Idaho Department of Corrections
Community Corrections Division
Central Records Division
Twin Falls County Probation Office

☒ Email

Twin Falls County Jail

☒ Email



Dorothy McMullen
Deputy Clerk

GENERAL CONDITIONS OF PROBATION

(For use in Judge Bevan or Stoker cases effective April 1, 2012)

1. **Supervision Level:** Unless otherwise specified by the Court Defendant's level of supervision, including caseload type and electronic monitoring, shall be determined by the Idaho Department of Correction ("hereinafter IDOC"). ag
2. **Laws and Conduct:** Defendant shall obey all municipal, county, state and federal laws including those denominated infractions. The Defendant shall comply with all lawful requests of any agent of the IDOC. The Defendant shall be completely truthful at all times with any agent of the Idaho Department of Correction and with law enforcement personnel. During any contact with law enforcement personnel the Defendant shall provide Defendant's identity, notify the officer(s) that Defendant is under felony supervision and provide the name of Defendant's supervising officer. The Defendant shall notify Defendant's supervising officer of any such contact within 24 hours of its occurrence. ag
3. **Reporting:** Defendant shall report to Defendant's supervising officer as directed by the probation office. The Defendant shall provide truthful and accurate information or documentation whenever requested by the IDOC. ag
4. **Residence:** Unless otherwise specifically ordered by the Court IDOC shall determine and designate the residence of the Defendant. Defendant shall not change Defendant's approved place of residence without first obtaining written permission from Defendant's probation officer. ag
5. **Cooperation with Supervision:** When home, the Defendant shall answer the door for the probation officer. The Defendant shall allow the probation officer to enter Defendant's residence, other real property, place of employment and vehicle for the purpose of visitation, inspections, searches and other supervision functions. The Defendant shall not possess, install or use any monitoring instrument, camera, or other surveillance device to observe or alert Defendant to the approach of Defendant's probation officer. The Defendant shall not keep any vicious or dangerous dog or other animal on or about Defendant's property that the probation officer perceives as an impediment to accessing the Defendant property. ag
6. **Truthfulness:** Defendant waives Defendant's Fifth Amendment rights to the extent that the Defendant must be honest and truthful with probation officer regarding matters of compliance and non-compliance with the conditions of probation. The Defendant agrees to submit to polygraph examinations at Defendant's expense upon the request of Defendant's probation officer. ag

7. **Absconding Supervision:** Defendant shall be available for supervision as instructed by Defendant's probation officer and will not actively avoid supervision. OK
8. **Travel:** Defendant shall not leave either the State of Idaho or Defendant's assigned judicial district without advance permission of Defendant's probation officer. OK
9. **Extradition:** If Defendant does leave the State of Idaho, with or without permission, the Defendant does hereby waive extradition to the State of Idaho and will not contest any effort to return the Defendant to the State of Idaho. The Defendant will pay for the cost of extradition. OK
10. **Intrastate/Interstate Violations:** If allowed to transfer supervision to another district or state, Defendant agrees to admit into evidence at any probation violation hearing any probation violation allegation documents submitted by the agency/officer supervising the Defendant in the receiving district or state. The Defendant waives the right to confront the author of such documents. OK
11. **Curfew:** Defendant will observe all curfew restrictions imposed by Defendant's supervising officer. OK
12. **Firearms/Weapons:** Defendant shall not purchase, carry, possess or have control of any firearms, chemical weapons, electronic weapons, explosives or other dangerous weapons. Other dangerous weapons may include, but are not limited to: knives with blades over two and one half inches in length, switchblade knives, brass knuckles, swords, throwing darts and other martial arts weapons. Any weapons or firearms seized from the Defendant will be forfeited to IDOC for disposal. The Defendant shall not reside in any location that contains firearms unless the firearms are secured and the IDOC District Manager approves that the Defendant may reside in that residence. OK
13. **Cost of Supervision:** Defendant shall comply with Idaho Code 20-225 which authorizes the IDOC to collect a cost of supervision fee. The Defendant shall pay supervision fees as directed by the department. OK
14. **Court Ordered Financial Obligations:** Defendant shall pay all costs, fees, fines, restitution and other Court ordered obligations before probation may be terminated. If the Court has not otherwise ordered a payment schedule for these financial obligations then these sums shall be paid as designated in a Payment Agreement which shall provide for minimum payments on a monthly basis to be completed with an agent of the IDOC. The payment plan shall be reviewed at least quarterly by the probation office. In addition to required monthly payments any monies received from inheritance, lottery winnings, federal or state tax refunds or similar "extraordinary" sources other than wages

shall be applied toward outstanding financial obligations. These financial obligations shall be paid monthly in at least the amount necessary to pay the financial obligations in full by the end of the probation period. Upon request, the Defendant shall provide Defendant's probation officer with records of any financial accounts in which the Defendant has an interest. In addition Defendant shall provide copies to IDOC of tax returns, credit reports or any other documentation that may reflect upon the Defendant's ability to pay these financial obligations. an

15. Evaluation and Program Plan: Defendant shall obtain any treatment evaluation deemed necessary as ordered by the Court or requested by any agent of IDOC. The Defendant shall meaningfully participate in and successfully complete any treatment, counseling or other programs deemed beneficial to the Defendant and as directed by the Court or any agent of the IDOC. The Defendant may be required to attend treatment, counseling or other programs at Defendant's own expense. an

16. Employment/Alternative Plan: Defendant shall seek and maintain gainful, verifiable, full-time employment. Defendant shall not accept employment, cause himself or herself to be terminated from employment or change employment without first obtaining written permission from Defendant's supervising officer. In lieu of full-time employment, the Defendant may participate in full-time education, a combination of employment and education, vocational program or other alternative plan based on the offender's specific situation and as approved by Defendant's supervising officer. an

17. Alcohol: Defendant shall not purchase, possess, or consume alcoholic beverages in any form. Defendant shall not enter any establishment such bars, taverns, clubs or similar facilities where alcohol is sold by the drink. Further, Defendant shall not associate with any individuals who are consuming or possessing alcohol. This latter restriction shall apply to associations such as parties, gatherings or the consumption of alcohol in restaurants or other eating establishments. an

18. Controlled Substances: Defendant shall not use or possess any illegal drug or any substance that simulates the effect of an illegal drug (such as but not limited to haze, spice, or other synthetic products) or any paraphernalia as defined under Idaho law. Nor shall Defendant use or possess any substance Defendant's probation officer forbids Defendant from having. The Defendant shall not use or possess any controlled substances unless lawfully prescribed for Defendant by a licensed physician or dentist. The Defendant shall use medications only in the manner prescribed by Defendant's physician or dentist. an

19. Substance Abuse Testing: The Defendant shall submit to any test for alcohol or controlled substances as defined above as requested and directed by any agent of IDOC or any law enforcement officer if that law enforcement officer

has a legal basis for requesting testing. The Defendant may be required to obtain tests at Defendant's own expense. If the results of the test(s) indicate an adulterant has been used to interfere with the results, that test will be deemed to affirmatively establish that the Defendant has used alcohol or a prohibited controlled substance. an

20. Stipulation to the admission of test results: Should the Defendant be requested to submit to tests for alcohol or controlled substances, the Defendant shall stipulate to the admission of those blood, urine, or breath test results in the form of a certified affidavit at any probation hearing following a judicial determination that live testimonial evidence would otherwise be impractical. However, the Defendant, at the Defendant's own expense may have the lab analysis of the Defendant's blood, urine, or breath performed at an in-state approved lab of the Defendant's choosing upon notifying the official administering the test at the time the test is requested. an

21. Searches and Seizures: As a term and condition of probation, and during the period in which Defendant is on probation, the Defendant does hereby consent to searches and seizures without a warrant by any agent of IDOC or any law enforcement officer of Defendant's person, residence, vehicle, personal property and any other real property or structures owned or leased by the Defendant or over which the Defendant has the right to exercise control. Defendant shall inform anyone Defendant lives with that the entire residence is subject to search and shall not reside with anyone who refuses to agree to such searches. Defendant agrees that such searches and seizures may be conducted at any time in the discretion those identified in this paragraph without the requirement that the searching person(s) has probable cause or a reasonable suspicion of criminal activity or a violation of probation to justify the search or seizure. Defendant agrees that the Defendant is not required to be present at the time of the search. Defendant does not have any right to revoke this consent to the searches or seizures as described herein. The Defendant hereby specifically waives any and all rights he or she may have regarding searches or seizures as provided by the Fourth Amendment to the U.S. Constitution and as provided in Article I, section 17 of the Idaho State Constitution. This consent to search and seize also includes those searches or seizures authorized and required by any other term and condition of probation set forth herein, such as those identified in the paragraphs labeled **Cooperation with Supervision and Substance Abuse Testing**. an

22. Driving Privileges: Defendant shall not operate a motor vehicle while Defendant's driving privileges are suspended, or without a valid driver's license and proper insurance as required by State law. an

23. **Confidential Informant:** The Defendant shall not act as a confidential informant for law enforcement, except as allowed by IDOC policy and with the consent of both the Court and IDOC. Au

24. **Associations:** The Defendant shall not associate with any person(s) designated by any agent of IDOC. Au

25. **Discretionary county jail time to be served in the future:** Upon certification that the Defendant has failed to follow the conditions of probation and upon recommendation of the Defendant's probation officer that a jail sanction is warranted as an appropriate sanction in lieu of a formal probation violation, the Defendant may be required to serve not more than 30 days in the county jail as a condition of probation at the discretion of the Defendant's probation officer with the advance approval of the Court. An application requesting jail time shall be submitted to the Court and may be submitted ex parte without notice to the Defendant, Defendant's counsel, or the State and without necessity for a hearing. Upon consideration the Court may authorize imposition of county jail time, with or without work release privileges and shall specify the dates of such jail time. The Defendant may request a hearing before the Court after imposition of discretionary jail time, but the Defendant shall not be released from custody while serving discretionary jail time without an order of the Court. Defendant shall not be entitled to any credit against this discretionary jail time for time previously spent in jail because discretionary jail time is a condition of probation. Au

26. **Additional Rules:** Defendant agrees that other reasonable supervision rules may be imposed on Defendant by IDOC. All additional rules will be explained to the Defendant and provided to Defendant, in writing, by an agent of IDOC. Au

I have read, or have had read to me, and have initialed, the above general conditions of probation. I understand and accept these conditions of supervision. I agree to abide by and conform to them and understand that my failure to do so may result in revocation of my probation.

Ashli Easterday

Defendant Signature

Ashli Easterday

Name (printed)

Date 1/24/14

Frank Neumayer

Witnessing Probation Officer's Signature

Frank Neumayer

Witnessing Probation Officer's Name (printed)

Date 1/31/14

OFFICE OF THE PUBLIC DEFENDER

Attorneys at Law

P.O. Box 126

Twin Falls, ID 83303

Telephone: (208) 734-1155

Fax #: (208) 734-1161

Idaho State Bar # 6976

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2014 JAN 29 PM 4:02

BY _____ CLERK

_____ *SP* DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
	)	No. CR 13-7372
Plaintiff/Respondent.)	
)	
vs.)	
	)	NOTICE OF APPEAL
ASHLI MARIE EASTERDAY,)	
)	
Defendant/Appellant.)	
_____)	

TO: THE ABOVE NAMED RESPONDENT, PROSECUTOR, GRANT LOEBS, P.O. BOX
126, TWIN FALLS, IDAHO AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, Ashli Marie Easterday, appeals against the above-named respondent, the State of Idaho, to the Idaho Supreme Court from the JUDGMENT OF CONVICTION UPON A PLEA OF GUILTY TO ONE FELONY COUNT, SUSPENDING SENTENCE AND ORDER PLACING DEFENDANT ON PROBATION entered in the above

entitled action on January 27, 2014 and MEMORANDUM OPINION DENYING THE MOTION TO SUPPRESS entered October 31, 2013 in the Twin Falls County District Court, the Honorable G. Randy J. Stoker, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgment or order described in paragraph 1 above are appealable orders under and pursuant to I.A.R. 11(c)(1).

() This is an EXPEDITED APPEAL pursuant to I.A.R. 12.2.

3. A preliminary statement of the issues on appeal which the appellant then intends to assert in the appeal; provided, any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal.

(a) Memorandum Opinion Denying Defendant's Motion To Suppress filed October 31, 2013.

4. Has an order been entered sealing all or any portion of the record? If so, what portion? No.

5. The Appellant also requests the preparation of the following portions of the reporter's transcript:

(a) Transcript of the Motion To Suppress hearing heard on October 25, 2013.

(b) Transcript of Preliminary hearing on August 2, 2013.

6. The appellant requests the following documents to be included in the clerk's record in addition to the standard record under I.A.R. 28.

(a) Motion to Suppress and Memorandum in Support Thereof filed

September 11, 2013.

- (b) Memorandum Opinion Denying Motion To Suppress filed October 31, 2013.

7. I certify:


- (a) That a copy of this notice of appeal has been served on each reporter of whom a transcript has been requested as named below at the address set out below:

Name and Address: Sabrina Vasquez, P.O. Box 126, Twin Falls, Idaho 83303.

- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code 31-3220, 31-3220A, I.A.R. 27(e);
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code 31-3220, 31-3220A, I.A.R. 23(a)(8);
- (d) That arrangements have been made with Twin Falls County who will be responsible for paying for the reporter's transcript, as the client is indigent, Idaho Code 31-3220, 31-3220A, I.A.R. 24(e);
- (e) That service has been made upon all parties required to be served pursuant to I.A.R. 20 and the attorney general of Idaho pursuant to

Section 67-1401(1), Idaho Code.

DATED This 29th day of January, 2014.


Robin M. Ambrose
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that on the 29 day of January, 2014, NOTICE OF APPEAL was served as follows:

By delivering a true and correct copy of the foregoing to the following by placing said copy in the appropriately-marked mailbox/folder located in the Court Services Department of the Twin Falls County Courthouse:

GRANT LOEBS
PROSECUTING ATTORNEY
TWIN FALLS COUNTY

By U.S. Mail, with postage prepaid, in an envelope addressed to the following:

Court Reporter
Sabrina Vasquez
P.O. Box 126
Twin Falls, Idaho 83303

Clerk of the Idaho Supreme Court
P.O. Box 83720
Boise, ID 83720

Attorney General's Office
P.O. Box 83720 Room, 210
Boise, ID 83720

Office of the State Appellate Public Defender
3050 North Lake Harbor Suite 100
Boise, ID 83703



Legal Secretary

OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P.O. Box 126
Twin Falls, ID 83303
Telephone: (208)734-1155
Fax #: (208) 734-1161
Idaho State Bar # 6976

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2014 JAN 30 AM 8:47

BY _____ CLERK
_____ DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NO. CR 13-7372
)	
)	
vs.	)	NOTICE AND ORDER
	)	APPOINTING STATE APPELLATE
ASHLI MARIE EASTERDAY,	)	PUBLIC DEFENDER IN DIRECT
	)	APPEAL
Defendant.)	
_____)	

TO: The Office of the Idaho State Appellate Public Defender:

The above named petitioner/appellant has filed an notice of appeal on January 29, 2014, (copy attached) and/or has moved the Court for appointment of an appellate public defender in direct appeal of the Judgment Of Conviction Upon A Plea Of Guilty To One Felony Count, Suspending Sentence And Order Placing Defendant On Probation entered January 27,2014 and Memorandum Opinion Denying Motion To Suppress entered on October 31, 2013, by Honorable Randy J. Stoker, District Judge, Twin Falls County.

ORDER

ORIGINAL

This Court being satisfied that said defendant-appellant is a needy person entitled to the services of the State Appellate Public Defender per §19-863A, Idaho Code,

IT IS HEREBY ORDERED, per §19-870, Idaho Code, that you are appointed to represent the defendant-appellant in all matters as indicated herein, or until relieved by further order of the court.

IT IS HEREBY ORDERED, pursuant to I.A.R. Rule 1, the parties, the Clerk of the court and the Court Reporter, shall follow the established Idaho Appellate Rules in the preparation of this appeal record.

IT IS FURTHER ORDERED that the State Appellate Public Defender's Office is provided the following information by the Court:

- 1) The defendant is on Probation.
- 2) A copy of the Notice of Appeal or Application.
- 3) A copy of the Register of Actions in this matter.
- 4) A copy of the Memorandum Opinion Denying Motion To Suppress dated October 31, 2013.
- 5) A copy of the Judgment of Conviction Upon a Plea Of Guilty To One Felony Count, Suspending Sentence and Order Placing Defendant on Probation entered January 27, 2014.

IT IS SO ORDERED.

Dated: _____

Signed: _____

ORDER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 4 day of Feb, 2014 served a true and correct copy of the attached NOTICE AND ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER IN DIRECT APPEAL by placing a copy in the United States mail, postage prepaid, addressed to:

State Appellate Public Defender
3050 North Lake Harbor Suite 100
Boise, Idaho 83703

email

GRANT P. LOEBS
Twin Falls County Prosecuting Attorney
P.O. Box 126
Twin Falls, ID 83303-0126

Box

TWIN FALLS COUNTY
PUBLIC DEFENDER
P.O. Box 126
Twin Falls, ID 83303-0126

Box

Court Reporter
Sabrina Vasquez

email Tracy Barksdale

OFFICE OF THE ATTORNEY GENERAL
Statehouse, Room 210
P.O. Box 83720
Boise, ID 83720

email

Clerk of the Supreme Court
P.O. Box 83720
Boise, ID 83720

email

Shaine Cooper
Clerk of the Court.

ORDER

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

28 FEB 14 PM 4:01
BY _____ CLERK

De _____ DEPUTY

STATE OF IDAHO,)

Plaintiff/Respondent,)

vs)

ASHLI MARIE EASTERDAY,)

Defendant/Appellant.)

CASE NO. CR 13-7372

CLERK'S CERTIFICATE
OF APPEAL

APPEAL FROM: Fifth Judicial District, Twin Falls County.
Honorable Randy J. Stoker, presiding

CASE NUMBER FROM COURT: CR 13-7372

ORDER OR JUDGMENT APPEALED FROM: Judgment of Conviction Upon a Plea
of Guilty to One Felony Count, Suspending Sentence and Order Placing Defendant on
Probation, I.C. §19-2601(2) and (5) which was entered in the above-entitled matter on
January 28, 2014.

ATTORNEY FOR RESPONDENT: Lawrence Wasden

ATTORNEY FOR APPELLANT: Sara Thomas

APPEALED BY: Ashli Marie Easterday

APPEALED AGAINST: State of Idaho

NOTICE OF APPEAL FILED: January 29, 2014

AMENDED APPEAL FILED:

NOTICE OF CROSS-APPEAL FILED:

AMENDED NOTICE OF CROSS-APPEAL FILED:

APPELLATE FEE PAID: exempt

CLERK'S CERTIFICATE OF APPEAL - 1

ESTIMATED CLERK'S RECORD FEE PAID: exempt

RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL
RECORD FILED:

RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL
REPORTER'S TRANSCRIPT FILED:

WAS DISTRICT COURT REPORTER'S TRANSCRIPT REQUESTED: Yes

ESTIMATED NUMBER OF PAGES: _____.

IF SO, NAME OF EACH REPORTER OF WHOM A TRANSCRIPT HAS BEEN
REQUESTED AS NAMED BELOW AT THE ADDRESS SET OUT BELOW:

NAME AND ADDRESS: Correct Court Reporter not served

DATED: February 4, 2014

KRISTINA GLASCOCK
Clerk of the District Court

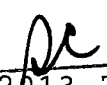

Deputy Clerk

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IN THE SUPREME COURT OF THE STATE OF IDAHO

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2014 FEB 10 PM 4:02

STATE OF IDAHO,)		
)		
Plaintiff/Respondent,	)	Supreme Ct. 41831	BY _____ CLERK
)		
vs.	)	Twin Falls No. CR-2013-7372	 DEPUTY
)		
ASHLI MARIE EASTERDAY,	)	NOTICE OF LODGING	
)		
<u>Defendant/Appellant.</u>)		

To: THE CLERK OF THE IDAHO SUPREME COURT

NOTICE IS HEREBY GIVEN that on February 10, 2014, I lodged a transcript of 26 pages in length for the above-referenced appeal with the District Court Clerk of Twin Falls County in the Fifth Judicial District. The transcript includes: Motion to Suppress dated October 25, 2013.

A PDF copy of the transcript will be emailed to sctfilings@idcourts.net.

TRACY E. BARKSDALE, CSR 999

In the Supreme Court of the State of Idaho

By [Signature] Clerk
Deputy Clerk

STATE OF IDAHO,

Plaintiff-Respondent,

v.

ASHLI MARIE EASTERDAY,

Defendant-Appellant.

ORDER RE: AMENDED NOTICE OF
APPEAL.

Supreme Court Docket No. 41831-2014
Twin Falls County No. 2013-7372

The Notice of Appeal filed January 29, 2013 in District Court and February 4, 2014 with this Court is not in compliance with Idaho Appellate Rule 17 in that the Notice of Appeal was served on Sabrina Vasquez, who did not report the transcripts requested. Therefore,

IT HEREBY IS ORDERED that this appeal be, and hereby is SUSPENDED in order for Appellant to file an Amended Notice of Appeal in compliance with Idaho Appellate Rule 17, by serving District Court Reporter Tracy Barksdale. The Amended Notice of Appeal shall be filed in the District Court within fourteen (14) days from the date of this Order or this appeal will proceed on the Clerk's Record only.

DATED this 16th day of February, 2014.

For the Supreme Court

[Signature]
Stephen W. Kenyon, Clerk

cc: Counsel of Record
District Court Clerk
District Court Reporter

Sharie Cooper

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

From: supremecourtdocuments@idcourts.net
Sent: Monday, February 10, 2014 03:16 PM 2014 FEB 19 PM 3:21
To: tbarksdale@co.twin-falls.id.us; RSTOKER@CO.TWIN-FALLS.ID.US;
documents@sapd.state.id.us; scooper@co.twin-falls.id.us; STHOMAS@SAPD.STATE.ID.US; ecf@ag.idaho.gov
Subject: 41831 STATE v. EASTERDAY (TWIN FALLS CR2013-7372)
Attachments: 41831 AMENDED NOA.pdf; 41831 NOA.pdf; 41831 CC.pdf

CLERK
DEPUTY

FILED NOTICE OF APPEAL. SEE ATTACHMENT(S). Please Note: All notices from the Supreme Court will be served via email to the district court clerk, the court reporter, the district judge, and counsel of record. The Court's email notices to counsel will be sent to the current email address of record according to the Idaho State Bar. If you would like others to receive additional electronic notices of the proceedings in this appeal please call the Supreme Court Clerk's Office at 334-2210. Pro se without a valid email address will be served notice via U.S. Mail. Please review the Clerk's Certificate for any errors, if Clerk's Certificate is attached.

RECEIVED

FEB - 4 2014

SUPREME COURT
COURT OF APPEALS

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff/Respondent,

vs

ASHLI MARIE EASTERDAY,

Defendant/Appellant.

CASE NO. CR 13-7372

CLERK'S CERTIFICATE
OF APPEAL

Supreme Court No. 41831

APPEAL FROM: Fifth Judicial District, Twin Falls County.
Honorable Randy J. Stoker, presiding

CASE NUMBER FROM COURT: CR 13-7372

ORDER OR JUDGMENT APPEALED FROM: Judgment of Conviction Upon a Plea
of Guilty to One Felony Count, Suspending Sentence and Order Placing Defendant on
Probation, I.C. §19-2601(2) and (5) which was entered in the above-entitled matter on
January 28, 2014.

ATTORNEY FOR RESPONDENT: Lawrence Wasden

ATTORNEY FOR APPELLANT: Sara Thomas

APPEALED BY: Ashli Marie Easterday

APPEALED AGAINST: State of Idaho

NOTICE OF APPEAL FILED: January 29, 2014

AMENDED APPEAL FILED:

NOTICE OF CROSS-APPEAL FILED:

AMENDED NOTICE OF CROSS-APPEAL FILED:

APPELLATE FEE PAID: exempt

CLERK'S CERTIFICATE OF APPEAL - 1

FILED - ORIGINAL

FEB - 4 2014

Supreme Court Court of Appeals
Entered on ATS by *DB*

ESTIMATED CLERK'S RECORD FEE PAID: exempt

**RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL
RECORD FILED:**

**RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL
REPORTER'S TRANSCRIPT FILED:**

WAS DISTRICT COURT REPORTER'S TRANSCRIPT REQUESTED: Yes

ESTIMATED NUMBER OF PAGES: _____.

**IF SO, NAME OF EACH REPORTER OF WHOM A TRANSCRIPT HAS BEEN
REQUESTED AS NAMED BELOW AT THE ADDRESS SET OUT BELOW:**

NAME AND ADDRESS: Correct Court Reporter not served

DATED: February 4, 2014

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk

Sharie Cooper

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

From: supremecourtdocuments@idcourts.net **2014 MAR 10 PM 2:26**
Sent: Monday, March 10, 2014 09:14 AM
To: STHOMAS@SAPD.STATE.ID.US; scooper@co.twin-falls.id.us; BY **CLERK**
documents@sapd.state.id.us; ecf@ag.idaho.gov
Subject: 41831 STATE v. EASTERDAY (TWIN FALLS CR2013-7372) DEPUTY

SET DUE DATE - TRANSCRIPT AND CLERK'S RECORD DUE 4-15-2014.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

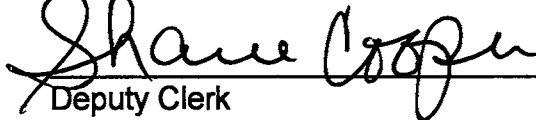
STATE OF IDAHO,)	
	)	SUPREME COURT NO. 41831
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 13-7372
)	
vs.)	
	)	CLERK'S CERTIFICATE
ASHLI MARIE EASTERDAY,)	
)	
<u>Defendant/Appellant,</u>)	

I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify that the foregoing CLERK'S RECORD on Appeal in this cause was compiled and bound under my direction and is a true, correct and complete Record of the pleadings and documents requested by Appellate Rule 28.

I do further certify that all exhibits, offered or admitted in the above-entitled cause, will be duly lodged with the Clerk of the Supreme Court.

WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 13th day of March, 2014.

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk

CLERK'S CERTIFICATE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
	)	SUPREME COURT NO. 41831
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 13-7372
)	
vs.	)	CERTIFICATE OF EXHIBITS
)	
ASHLI MARIE EASTERDAY,)	
)	
<u>Defendant/Appellant,</u>)	

I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify:

That the following is a list of exhibits to the record that have been filed during the course of this case.

Transcript of Digital Audio, August 2, 2013 Preliminary Hearing, Filed August 19, 2013

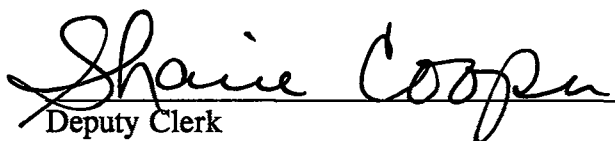
PSI Face Sheet (Confidential), Filed November 12, 2013

Pre-Sentence Investigation Report (Confidential), Filed January 17, 2014

Addendum Presentence Investigation Report (Confidential), Filed January 22, 2014

In WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 13th day of March, 2014.

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
	)	SUPREME COURT NO. 41831
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 13-7372
)	
vs.	)	CERTIFICATE OF SERVICE
)	
ASHLI MARIE EASTERDAY,)	
)	
<u>Defendant/Appellant,</u>)	

I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify that I have personally served or mailed, by United States Mail, one copy of the CLERK'S RECORD and REPORTER'S TRANSCRIPT to each of the Attorneys of Record in this cause as follows:

SARA THOMAS
State Appellate Public Defender
3050 North Lake Harbor Lane
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Boise, Idaho 83703

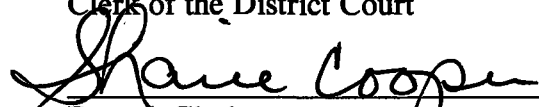
LAWRENCE WASDEN
Attorney General
Statehouse Mail Room 210
P.O. Box 83720
Boise, Idaho 83720-0010

ATTORNEY FOR APPELLANT

ATTORNEY FOR RESPONDENT

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said this 13th day of March, 2014.

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk